

1

2

3

4

5

UNITED STATES DISTRICT COURT

6

DISTRICT OF NEVADA

7

8 DEBARON SANDERS,

9 Petitioner,

2:14-cv-01966-JCM-NJK

10 vs.

ORDER11 BRIAN WILLIAMS, SR., *et al.*,

12 Respondents.

13 _____/

14

15 In this habeas corpus action, the petitioner, Debaron Sanders, has filed an application to
16 proceed *in forma pauperis* (ECF No. 1), a Petition for Writ of Habeas Corpus, and a Motion for
17 Appointment of Counsel (ECF No. 2).

18 The financial information provided with the application to proceed *in forma pauperis*
19 indicates that petitioner is unable to pay the filing fee. Therefore, the *in forma pauperis* application
20 shall be granted.

21 The court has reviewed the petition for a writ of habeas corpus pursuant to Rule 4 of the
22 Rules Governing Section 2254 Cases in the United States District Courts. The court will serve the
23 petition upon respondents. Respondents will be directed to appear in this action, but will not be
24 required to respond to the habeas petition unless and until otherwise ordered.

25 The court in this case takes judicial notice of the proceedings in Case Number
26 2:14-cv-01068-JAD-GWF in this court, which is a habeas action filed previously by petitioner.

1 That action was opened on June 30, 2014, but was dismissed without prejudice on July 2, 2014, on
2 account of the petitioner's failure to pay the filing fee or submit a proper application to proceed
3 *in forma pauperis*. Petitioner has filed a motion for reconsideration in that action, asking the court to
4 vacate the order dismissing the action. *See* Motion for Reconsideration, ECF No. 4 in Case Number
5 2:14-cv-01068-JAD-GWF. To prevent duplicative litigation, the court will not require respondents
6 to respond to the habeas petition in this action until the court rules on the motion for reconsideration
7 in Case Number 2:14-cv-01068-JAD-GWF.

8 The court will deny the motion for appointment of counsel, without prejudice. Petitioner
9 may file a new motion for appointment of counsel, if necessary, after the motion for reconsideration
10 is resolved in Case Number 2:14-cv-01068-JAD-GWF.

11 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma pauperis*
12 (ECF No. 1) is **GRANTED**. Petitioner shall not be required to pay the \$5 filing fee for this action.

13 **IT IS FURTHER ORDERED** that the clerk of the court shall file the petition for a writ
14 of habeas corpus pursuant to 28 U.S.C. § 2254.

15 **IT IS FURTHER ORDERED** that the clerk of the court shall add Adam Paul Laxalt,
16 Attorney General for the State of Nevada, as counsel for respondents.

17 **IT IS FURTHER ORDERED** that the clerk of the court shall electronically serve upon
18 respondents a copy of the petition and this order. In addition, the clerk of the court shall return to the
19 petitioner a copy of the petition.

20 **IT IS FURTHER ORDERED** that respondents shall appear in this action within 30 days
21 from the entry of this order, but need not respond to the habeas corpus petition in this action unless
22 and until ordered by the court to do so.

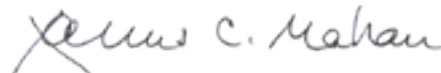
23 **IT IS FURTHER ORDERED** that from this point forward, petitioner shall serve upon
24 respondents or, if appearance has been entered by counsel, upon the attorney(s), a copy of every
25 pleading, motion or other document submitted for consideration by the court. Petitioner shall
26 include with the original paper submitted for filing a certificate stating the date that a true and

1 correct copy of the document was mailed to the respondents or counsel for the respondents. The
2 court may disregard any paper received by a district judge or magistrate judge that has not been
3 filed with the clerk, and any paper received by a district judge, magistrate judge, or the clerk that
4 fails to include a certificate of service.

5 **IT IS FURTHER ORDERED** that petitioner's "Motion for Help to Do My Case" (ECF
6 No. 2) is **DENIED** without prejudice.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Dated May 14, 2015.


UNITED STATES DISTRICT JUDGE