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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARIO RODRIGUEZ,

Petitioner,

vs.

E.K McDANIEL, *et al.*,

Respondents.

2:16-cv-00629-JCM-VCF

ORDER

This is a habeas corpus proceeding under 28 U.S.C. § 2254 in which this court entered a final judgment against the petitioner on May 3, 2016 (ECF No. 4). Notwithstanding that fact and that the court of appeals has denied petitioner's appeal (ECF No. 14), petitioner continues to file documents in this case, including a motion to proceed *in forma pauperis* accompanied by pleading styled as a petition for writ of habeas corpus (ECF No. 17).

Because final judgment has been entered and this case has not been reopened by way of a post-judgment motion or a remand from the court of appeals, the court shall order these documents stricken from the docket. *See Lindauer v. Rogers*, 91 F.3d 1355, 1357 (9th Cir. 1996) (“[C]onsistent with our policy of promoting the finality of judgments [we] adopt the requirement that, once judgment has been entered in a case, a motion to amend the complaint can only be entertained if the judgment is first reopened under a motion brought under Rule 59 or 60.”).

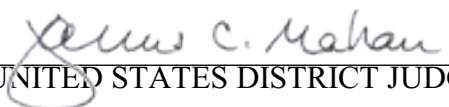
If the motion to proceed *in forma pauperis* was in compliance with 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, this court would merely direct the clerk to file it under a new case number. However, the motion lacks both an inmate account statement for the past six months and a properly

1 executed financial certificate, the absence of which renders the motion fatally defective.

2 IT IS THEREFORE ORDERED that the clerk shall STRIKE from the docket the documents
3 filed under ECF Nos. 17/18/19.

4 DATED: July 3, 2017.

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UNITED STATES DISTRICT JUDGE