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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

NANCY E. NASH,  
  
v.  
STATE OF NEVADA, et al.,  
  
Petitioner,  
  
Respondents.

Case No. 2:16-cv-00819-RFB-GWF  
  
ORDER

Petitioner Nancy E. Nash has submitted a *pro se* “informal brief,” and a motion for leave to file a new petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF Nos. 1-1, 1-2, 2). She has not filed an application to proceed *in forma pauperis* or paid the filing fee. Thus, this case has not been properly commenced and is subject to dismissal on that basis. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

Moreover, the court may take judicial notice of its docket, and Nash has another habeas petition pending in this court challenging the same judgment of conviction, state case no. C237504 (*See* ECF No. 1-2; 2:16-cv-00901-JCM-NJK).

“AEDPA generally limits a petitioner to one federal habeas corpus motion and precludes “second or successive” habeas corpus petitions unless the petitioner meets certain narrow requirements. The statute provides that a claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless it relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable or on newly discovered facts that show a high probability of actual innocence.”

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Jones v. Ryan, 733 F.3d 825, 834 (9th Cir. 2013) (internal quotations and citations omitted).

Accordingly, this petition is duplicative and is also dismissed on that basis.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED** with prejudice as duplicative.

**IT IS FURTHER ORDERED** that, to the extent necessary in this procedural context, a certificate of appealability is **DENIED**, as jurists of reason would not find the court's dismissal of this duplicative action to be debatable or incorrect.

**IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this case.

DATED: 9 February 2017.



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE