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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PHILLIP SHARPE,

*Petitioner,*

vs.

NEVIN, *et al.*,

*Respondents.*

2:16-cv-01841-JCM-VCF

ORDER

On August 11, 2016, the court entered an order dismissing this habeas corpus action based on a finding that petitioner had filed a defective motion for leave to proceed *in forma pauperis*. ECF No. 4. On August 18, 2016, this court received from petitioner a perfected motion for leave to proceed *in forma pauperis*. ECF No. 5. Although the order dismissing this action instructed petitioner to file a *new* habeas action, the court shall, in the interest of judicial efficiency, set aside its dismissal and entertain petitioner's newly-submitted motion.

Based on the financial information provided with petitioner's motion, the court finds that petitioner is able to pay the full filing fee of five dollars (\$5.00). Thus, his motion shall be denied. Petitioner is required to pay the filing fee required for a habeas corpus petition – i.e. five dollars.

**IT IS THEREFORE ORDERED** that the order entered on August 11, 2016, (ECF No. 4) is VACATED.

**IT IS FURTHER ORDERED** that petitioner's application to proceed *in forma pauperis* (ECF No. 5) is DENIED. Petitioner shall have **thirty (30) days** from the date that this order is entered to have the filing fee of five dollars (\$5.00) sent to the clerk of the court. Failure to comply will result in the


1 dismissal of this action.

2           **IT IS FURTHER ORDERED** that the clerk of the court shall send petitioner two copies of this  
3 order. Petitioner is ordered to make the necessary arrangements to have one copy of this order attached  
4 to the check paying the filing fee.

5           DATED: October 3, 2016.

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UNITED STATES DISTRICT JUDGE

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