

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || LARRY BAILEY,

Petitioner,

2:17-cv-00095-RFB-NJK

VS.

ORDER

JO GENTRY, *et al.*,

Respondents.

15 This action was initiated, *pro se*, by Nevada prisoner Larry Bailey on January 10, 2017.

16 On that date, Bailey filed an application to proceed *in forma pauperis* (ECF No. 1), a petition for writ
17 of habeas corpus (attached to the application to proceed *in forma pauperis*, at ECF No 1-1), and a motion
18 for appointment of counsel (ECF No. 2).

19 The application to proceed *in forma pauperis*, the petition for writ of habeas corpus, and the
20 motion for appointment of counsel are all unsigned. Bailey's signature does not appear on any of the
21 documents that he submitted. (There is an indication that the petition for writ of habeas corpus was
22 drafted by an individual other than Bailey. *See* Petition for Writ of Habeas Corpus (ECF No. 1-1),
23 p. 25.)

24 Because Bailey has not signed any of the documents he has submitted, the application to proceed
25 *in forma pauperis* and motion for appointment of counsel will be denied, and this action will be
26 dismissed without prejudice.

1 The court notes, also, that the petition suggests that Bailey has not yet completed his state-court
2 habeas litigation. *See* Petition for Writ of Habeas Corpus (ECF No. 1-1), p. 1.

3 If and when Bailey intends to initiate a habeas corpus action in this court, he must do so in a new
4 action; to do so, Bailey must submit a petition for writ of habeas corpus on the correct form for use by
5 a *pro se* prisoner petitioner, and either pay the \$5 filing fee, or, if unable to do so, file a new application
6 to proceed *in forma pauperis*. Bailey must sign the documents he submits for filing.

7 **IT IS THEREFORE ORDERED** that petitioner's Application to *Proceed in Forma Pauperis*
8 (ECF No. 1) is **DENIED**.

9 **IT IS FURTHER ORDERED** that petitioner's Ex Parte Motion for Appointment of Counsel
10 (ECF No. 2) is **DENIED**.

11 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

12 **IT IS FURTHER ORDERED** that petitioner is denied a certificate of appealability.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

15 Dated this 24th day of January, 2017.



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18 RICHARD F. BOULWARE, II
19 UNITED STATES DISTRICT JUDGE
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