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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAVERN CHARLES FASTHORSE,

Petitioner,

vs.

DONALD J. TRUMP, *et al.*,

Respondents.

2:17-cv-00647-APG-VCF

ORDER

Petitioner, a Nevada prisoner, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Petitioner has failed to submit an application to proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rules LSR1-1, 1-2.

Thus, the present action will be dismissed without prejudice to the filing of a habeas petition pursuant to 28 U.S.C. § 2254 on the form required by this court in a **new** action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

IT IS THEREFORE ORDERED that this action is dismissed without prejudice to the filing of a petition in a new action with either the \$5.00 filing fee or a properly completed application form to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that a certificate of appealability is denied, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

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IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each of an application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he submitted in this action.

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

DATED: March 22, 2017.



UNITED STATES DISTRICT JUDGE