will be dismissed without prejudice to the filing of a new petition in a new action with a pauper

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application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, petitioner at all times remains responsible for calculating the running of the federal limitation period as applied to his case, properly commencing a timely-filed federal habeas action, and properly exhausting his claims in the state courts.

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is **DENIED** and that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a new petition in a new action with a properly completed pauper application with all new and complete financial attachments.

IT IS FURTHER ORDERED that the Clerk of Court 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 petitioner may file a new petition and *in forma pauperis* application in a new action, but he may not file further documents in this action.

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

IT IS FURTHER ORDERED that a certificate of appealability is DENIED. Reasonable jurists would not find the dismissal of the improperly-commenced action without prejudice to be debatable or wrong.

Dated: May 15, 2017.

ANDREW P. GORDON UNITED STATES DISTRICT JUDGE