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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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FREDERICK BANKS,

Case No. 2:17-cv-01988-KJD-CWH

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Petitioner,

ORDER

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v.

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ROBERT CESSAR, et al.,

Respondents.

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Petitioner has submitted a purported *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 (ECF No. 1-1). The petition is not on the court-required form, and petitioner has filed an incomplete application to proceed *in forma pauperis*. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. The present action, therefore, will be dismissed.

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Moreover, petitioner's submissions appear delusional and frivolous. To the extent that petitioner sets forth any discernible factual allegations cognizable in federal habeas or discernible, plausible factual allegations that would state a claim for which relief may be granted in any event, he appears to seek to challenge a federal criminal sentence imposed by the Western District of Pennsylvania. However, a petitioner challenging a federal conviction generally must file a § 2255 motion to vacate, set aside or correct the sentence in that federal case itself.

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Further, this court takes judicial notice of its docket, and this court previously dismissed two cases filed by Banks: 2:16-cv-1153-JAD-VCF and 2:16-cv-1155-RFB-VCF. The court consolidated those cases and stated that Banks had been declared a

1 vexatious litigant by the Western District of Pennsylvania, did not seek prior
2 authorization to file a complaint in the District of Nevada, and apparently attempted to
3 circumvent the Pennsylvania order by filing cases here.

4 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** as improperly
5 commenced and frivolous.

6 **IT IS FURTHER ORDERED** that petitioner's application to proceed *in forma*
7 *pauperis* (ECF No. 1) is **DENIED**.

8 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

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

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12 DATED: 16 November 2017.

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15 KENT J. DAWSON
16 UNITED STATES DISTRICT JUDGE
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