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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

FREDERICK BANKS,  
  
v.  
ROBERT CESSAR, et al.,  
  
Respondents.

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

ORDER

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.

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.

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

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

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

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

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

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

DATED: 16 November 2017.



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KENT J. DAWSON  
UNITED STATES DISTRICT JUDGE