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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RAFAEL MENDEZ-SOTO,

Petitioner,

vs.

JO GENTRY, et al.,

Respondents.

Case No. 2:17-cv-02466-APG-CWH

ORDER

Petitioner has submitted an application to proceed *in forma pauperis* (ECF No. 1) and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court dismisses this action because petitioner did not include with his application to proceed *in forma pauperis* a financial certificate signed by the appropriate prison official and a copy of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2. A preliminary review of the petition shows that the dismissal of this action would not affect the timeliness of any subsequently commenced action, if petitioner is prompt in obtaining the required documents and in commencing a new action.

Reasonable jurists would not find this conclusion to be debatable or wrong, and the court will not issue a certificate of appealability.

IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (ECF No. 1) is **DENIED**.

IT IS FURTHER ORDERED that the clerk of the court shall send petitioner a blank form for an application to proceed in forma pauperis for incarcerated litigants.

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IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice to petitioner's commencement of a new action in which he either pays the filing fee in full or submits a complete application to proceed in forma pauperis, accompanied by a signed financial certificate and a statement of his inmate account. The clerk of the court shall enter judgment accordingly and close this action.

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

DATED: September 25, 2017.



ANDREW P. GORDON
United States District Judge