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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

PETER KEFALAS,  v.  THE STATE OF NEVADA, et al.,  Respondents.	Petitioner,    Respondents.	Case No. 2:18-cv-00203-JCM-PAL  ORDER
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It appears that petitioner Peter Kefalas intended to initiate a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). The petition is not on the court’s required form. Moreover, 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 Rule LSR1-2.

Thus, the present action will be dismissed without prejudice to the filing of a new petition in a new action on this court’s form 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 does not appear from the papers presented that a dismissal without prejudice will materially affect a later analysis of any timeliness issue with regard to a new action filed in a timely manner after petitioner has exhausted all available state remedies.<sup>1</sup>

<sup>1</sup> The papers that petitioner has attached to his filing appear to indicate remittitur issued for his direct appeal on September 29, 2017. See also Nevada Court of Appeals Case No. 70899.

1 Petitioner at all times remains responsible for properly exhausting his claims, for  
2 calculating the running of the federal limitation period as applied to his case, and for  
3 properly commencing a timely-filed federal habeas action.

4 **IT IS THEREFORE ORDERED** that the Clerk shall detach and file the petition  
5 (ECF No. 1-1).

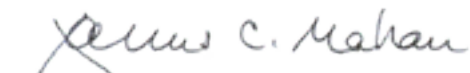
6 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice to  
7 the filing of a new petition on the court's form in a new action with a properly completed  
8 application form to proceed *in forma pauperis* or the \$5.00 filing fee.

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

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

16 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly  
17 and close this case.

18 DATED: April 12, 2018.

19   
20 JAMES C. MAHAN  
21 UNITED STATES DISTRICT JUDGE