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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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<p>STEVEN JAMES MORALES,  v. B.E. WILLIAMS, <i>et al.</i>,</p> <p>Petitioner,  Respondents.</p>	<p>Case No. 2:18-cv-00424-KJD-GWF  ORDER</p>
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Petitioner has filed a habeas petition under 28 U.S.C. § 2254 without properly commencing the action by paying the filing fee or filing a complete pauper application. Specifically, although petitioner submitted an application to proceed *in forma pauperis*, he did not submit the required financial certificate. LSR 1-2.

It does not appear that a dismissal without prejudice would materially impact the application of the limitation period in a promptly filed new action or otherwise cause substantial prejudice.<sup>1</sup>

This improperly commenced action therefore will be dismissed without prejudice.

It therefore is ordered that this action shall be dismissed without prejudice. Petitioner shall file any new petition, and either pay the filing or fee or submit a complete pauper application, in a new action only, and shall not file any more documents in this case.

<sup>1</sup> The Nevada Supreme Court filed a disposition in petitioner’s latest postconviction appeal on February 15, 2018. *See* <http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=42115> (last visited Mar. 13, 2018); ECF No. 1-1. A review of the Nevada Supreme Court’s decisions, attached to the petition, indicate that petitioner has had several postconviction appeals before the Nevada Supreme Court, but all appear to be related to the same initial state postconviction petition.

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It further is ordered that a certificate of appealability is denied. Jurists of reason would not find debatable whether the Court was correct in its dismissal of the action without prejudice on procedural grounds, for the reasons discussed herein.

It further is ordered, pursuant to Rule 4 of the Rules Governing Section 2254 Cases, that the Clerk shall make informal electronic service upon respondents by adding Nevada Attorney General Adam P. Laxalt as counsel for respondents and directing a notice of electronic filing of this order to his office. No response is required from respondents other than to respond to any orders of a reviewing court.

The Clerk of Court shall send petitioner a copy of his papers in this action, along with copies of the forms and instructions for an inmate pauper application and habeas petition.

The Clerk of Court shall enter final judgment accordingly, dismissing this action without prejudice.

DATED THIS 13 day of March, 2018



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KENT J. DAWSON  
UNITED STATES DISTRICT JUDGE