UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN MATTHIAS WATSON, III,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No.: 2:21-cv-00693-APG-BNW

ORDER

This habeas corpus action was initiated, *pro se*, by John Matthias Watson, III. It appears that Watson has been convicted of murder and sentenced to death in state court. Watson has not yet completed his state court challenges to his conviction and sentence; I am informed that an appeal is pending before the Nevada Supreme Court in a habeas action brought by Watson in state court. Meanwhile, Watson initiated this case in the Ninth Circuit Court of Appeals on February 28, 2021, and Court of Appeals transferred the case to this Court on April 7, 2021. *See* ECF Nos. 1, 2, 3.

Watson has not paid a filing fee for this action, and he has not applied for leave to proceed *in forma pauperis*. *See* LSR 1-1, 1-2, 1-3, 1-4, 1-5.

Also, Watson's habeas petition is not presented on the form required by this Court, and it does not include the information necessary for the Court to screen the petition and otherwise process it as a federal habeas petition. *See* LSR 3-1; *see also* Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (screening of habeas petitions).

Furthermore, Watson's petition does not set forth any claim cognizable in a federal habeas action. In his petition, Watson complains of delay in his state court proceedings, and he complains of the conditions at the prison where he is incarcerated. These generally are not

grounds for federal habeas corpus relief. Moreover, Watson gives no indication that he has exhausted his state court remedies with respect to any of the allegations in his petition.

I note that Watson has, on three previous occasions, initiated habeas actions in this Court and each of those actions was dismissed without prejudice. *See* Case No. 2:10-cv-00548-KJD-RJJ (dismissed, without prejudice, on July 9, 2010, for failure to pay filing fee or apply for *in forma pauperis* status); Case No. 2:11-cv-01032-KJD-LRL (dismissed, without prejudice, on July 29, 2011, for failure to pay filing fee or apply for *in forma pauperis* status, and because the petition was wholly unexhausted in state court); Case No. 2:19-cv-00379-RFB-NJK (dismissed, without prejudice, on April 11, 2019, as wholly unexhausted). I also note that, while Watson attempts to initiate this action *pro se*, he states that he is represented by counsel in his pending state court proceeding. I urge Watson to consult with his counsel regarding whether, when, and how to initiate a federal habeas corpus action (or a federal civil rights action).

I THEREFORE ORDER that this action is **DISMISSED** without prejudice. Because jurists of reason would not find this ruling debatable or wrong, Petitioner is denied a certificate of appealability. The Clerk of the Court is directed to enter judgment accordingly.

Dated: July 20, 2021

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE