

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRIT AUGBORNE, III,

Petitioner,

V.

WARDEN WILLIAMS, *et al.*,

Respondents.

Case No. 2:21-cv-01851-RFB-VCF

ORDER

This habeas corpus action was initiated, pro se, by Brit Augborne, III, on October 6, 2021. The Court summarily dismissed the action without prejudice, and judgment was entered accordingly on October 18, 2021 (ECF Nos. 3, 4), because Augborne did not pay the filing fee or apply for in forma pauperis status.

On November 5, 2021, Augborne filed a Motion for Reconsideration (ECF No. 5), explaining that he submitted his habeas petition without paying the filing fee and without an *in forma pauperis* application because he felt under time pressure, presumably from the applicable statute of limitations. Augborne indicates in the motion for reconsideration that he is in the process of obtaining from the prison the materials he needs to apply for *in forma pauperis* status. See 28 U.S.C. § 1915; LSR 1-1.

Good cause appearing, the Court will grant the motion for reconsideration, will vacate the October 18 judgment and reopen this case, and will set a deadline for Augborne to either pay the \$5 filing fee or file a complete application to proceed in forma pauperis.

1 The Court does not in this order express any opinion about the operation of statute
2 of limitations relative to this case, about whether the habeas petition in this case is timely,
3 or about whether any of the claims in the petition are procedurally viable or of any merit.

4 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Reconsideration
5 (ECF No. 5) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the judgment entered October 18, 2021 (ECF No.
7 4) is vacated. The Clerk of the Court is directed to reopen this action.

8 **IT IS FURTHER ORDERED** that Petitioner will have 60 days from the date of this
9 order to either pay the \$5 filing fee for this action or file in this action a complete application
10 to proceed *in forma pauperis*. If Petitioner fails to do so within the time allowed, this action
11 will be dismissed.

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13 DATED THIS 18 day of November, 2021.

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16 RICHARD F. BOULWARE, II,
17 UNITED STATES DISTRICT JUDGE