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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SEAN GLENN JACOBSON,

Petitioner,

3:10-cv-00747-RCJ-RAM

vs.

ORDER

STATE OF NEVADA,

Respondent.

Petitioner has submitted, as an independent action, a motion (#1) for an extension of time to file an appeal or petition for a writ of habeas corpus. While the motion is captioned for the district court, the motion was forwarded to this Court by the Court of Appeals.

The Court does not grant anticipatory motions to extend the time to file a habeas petition. Any issue as to whether extraordinary circumstances beyond the petitioner's control made it impossible to file a timely petition instead is addressed, on an adequate record, after a petition is filed if a timeliness issue is raised by the respondents or by the Court *sua sponte*.

The Court additionally notes that the matter was filed without either payment of a filing fee or the filing of an application to proceed *in forma pauperis*. Petitioner may not commence an action in federal court without either paying the requisite filing fee or obtaining leave to proceed *in forma pauperis*.

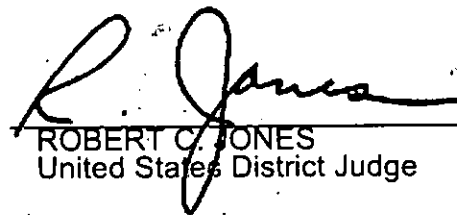
Moreover, the Court does not have jurisdiction over an action brought against the State of Nevada. The state sovereign immunity recognized by the Eleventh Amendment bars suit against the State in federal court, regardless of the relief sought.

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IT THEREFORE IS ORDERED that the motion (#1) for an extension of time is DENIED and that this action is DISMISSED. Any petition or other matter filed must be filed in a new action under a new docket number, as the present matter is closed. The Court expresses no opinion as to whether any such new action would be timely or otherwise present viable claims.

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

DATED: December 29, 2010


ROBERT C. JONES
United States District Judge