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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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VINCENT SANTANA,

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Petitioner,

Case No. 3:15-cv-00434-LRH-WGC

11

vs.

ORDER

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ROBERT LEGRAND, et al.,

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Respondents.

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Petitioner has filed a financial certificate (#7). While it is not on the form for an application to proceed in forma pauperis, it contains the information the court needs to determine that petitioner is unable to pay the filing fee. The court will construe the financial certificate as an application to proceed in forma pauperis and grant it.

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Petitioner is challenging custody pursuant to the judgment of conviction of the Eighth Judicial District Court in case number 02C182880. Petitioner alleges that he is challenging the judgment of conviction in case number 02C187431. However, he also alleges that he was convicted of failing to register a change of address as a sex offender, and his two grounds for relief relate to that offense. The court has examined the on-line dockets of both cases.¹ The offenses at issue in case 02C187431 were coercion, not failure to register a change of address. The court concludes that

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¹<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=7488472>;
<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=7493486> (reports generated December 24, 2015).

1 petitioner intended to challenge the judgment on case 02C182880 and mixed up the case numbers of
2 two of his criminal cases.

3 Petitioner has challenged his custody pursuant to the same judgment of conviction in
4 Santana v. Neven, Case No. 2:08-cv-00573-KJD-LRL. The court denied that petition on its merits.
5 Petitioner appealed, and the court of appeals affirmed. The petition in this action is a second or
6 successive petition as defined in 28 U.S.C. § 2244(b). Petitioner must first obtain authorization
7 from the court of appeals before this court can consider his petition. 28 U.S.C. § 2244(b)(3).

8 Petitioner has filed a motion for appointment of counsel (#6). The court denies this motion
9 because the court is referring the action to the court of appeals.

10 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
11 habeas corpus pursuant to 28 U.S.C. § 2254, which currently is attached to a notice (#1).

12 IT IS FURTHER ORDERED that the motion for appointment of counsel (#6) is **DENIED**.


13 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
14 for the State of Nevada, as counsel for respondents.

15 IT IS FURTHER ORDERED that the clerk shall electronically serve respondents with a
16 copy of the petition and a copy of this order. No response by respondents is necessary.

17 IT IS FURTHER ORDERED that, pursuant to Circuit Rule 22-3(a), the clerk of the court
18 shall refer this action to the United States Court of Appeals for the Ninth Circuit.

19 IT IS FURTHER ORDERED that the clerk of the court shall administratively close this
20 action.

21 DATED this 5th day of January, 2016.

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25 LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE
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