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6	UNITED STATES DISTRICT COURT
7	DISTRICT OF NEVADA
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9	RICHARD MILBOURN, Case No. 3:15-cv-00545-MMD-VPC
10	Petitioner, ORDER
11	V.
12	ROBERT LeGRANDE, et al.,
13	Respondents.
14	This action is a pro se petition for a writ of habeas corpus filed pursuant to 28
15	U.S.C. § 2254 by a Nevada state prisoner. Neither a filing fee nor an application to
16	proceed in forma pauperis was submitted with the petition. When filing a habeas action,
17	petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to
18	proceed in forma pauperis. Due to the lack of an in forma pauperis application or filing
19	fee, the present action will be dismissed without prejudice to the filing of a new petition in
20	a new action with a pauper application with all required attachments. It does not appear
21	from the papers presented that a dismissal without prejudice would result in a promptly-
22	filed new petition being untimely. In this regard, petitioner at all times remains responsible
23	for calculating the running of the limitations period as applied to his case and properly
24	commencing a timely-filed habeas corpus action.
25	It is therefore ordered that this action is dismissed without prejudice to the filing of
26	a new petition in a new action.
27	It is further ordered that petitioner's motion for a copy of the order of judicial
28	determination (dkt. no. 3) in this case is denied.

1	It is further ordered that the Clerk of the Court send petitioner two copies of an in
2	forma pauperis application form for a prisoner, one copy of the instructions for the same,
3	two copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions
4	for the same.
5	It is further ordered that petitioner may file a new petition in a new action, but he
6	may not file further documents in this action.
7	It is further ordered that a certificate of appealability is denied. Reasonable jurists
8	would not find the dismissal of the improperly-commenced action without prejudice to be
9	debatable or wrong.
10	It is further ordered that the Clerk of the Court enter judgment accordingly.
11	DATED THIS 21 st day of April 2016.
12	1 (la)
13	MIRANDA M. DU
14	UNITED STATES DISTRICT JUDGE
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