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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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9 ALVON SHONEER SURRELL, SR.,

10 Petitioner,

3:17-cv-00185-RCJ-VPC

11 vs.

ORDER

12 STATE OF NEVADA,

13 Respondent.

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15 On March 27, 2017, Alvon Shoneer Surrell, Sr., who is apparently incarcerated at the
16 Washoe County Detention Facility, submitted for filing a petition for writ of habeas corpus
17 (ECF No. 1-1).

18 Surrell has not paid the \$5 filing fee for this action, and he has not submitted an application
19 to proceed *in forma pauperis*.

20 Furthermore, Surrell's habeas petition is not on a form approved by the Court. Surrell's
21 petition appears to be on a form meant for filing in state court. It is captioned for filing in Nevada's
22 Second Judicial District Court, rather than in this federal district court.

23 Moreover, there is no indication in the petition that Surrell has exhausted his state-court
24 remedies, by first presenting his claims for relief in state court before seeking habeas corpus relief in
25 federal court.

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1 For all of these reasons, this case will be summarily dismissed, without prejudice to Surrell
2 initiating a new habeas corpus action in this court if that is his intention. If Surrell wishes to initiate
3 a federal habeas corpus action, he must submit a fully completed petition for writ of habeas corpus
4 on the correct form for this court, together with payment of the filing fee or an application to proceed
5 *in forma pauperis* on a correct form and fully completed. If Surrell wishes to initiate a state-court
6 habeas corpus action, he must file his petition in state court.

7 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

8 **IT IS FURTHER ORDERED** that petitioner is denied a certificate of appealability.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to petitioner, along
11 with a copy of this order, a copy of petitioner's petition for writ of habeas corpus (ECF No. 1-1),
12 a copies of the form for a petition for a writ of habeas corpus in this court, and two copies of the
13 form for an application to proceed *in forma pauperis* for a prisoner, and any available instructions
14 regarding those forms.

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16 Dated this 5th day of April, 2017.

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UNITED STATES DISTRICT JUDGE

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