

1

2

3

4

5

6

UNITED STATES DISTRICT COURT

7

DISTRICT OF NEVADA

8

9 ROSENDO VASQUEZ,

10 Petitioner,

3:17-cv-00240-LRH-VPC

11 vs.

ORDER12 ISIDRO BACA, *et al.*,

13 Respondents.

14

15 In this habeas corpus action, the Court denied the *in forma pauperis* application of the
16 petitioner, Rosendo Vasquez, on April 19, 2017, and ordered that, within 30 days, Vasquez was to
17 either pay the five dollar filing fee or file a new application to proceed *in forma pauperis*.
18 *See* Order entered April 19, 2017 (ECF No. 3). In that order, the Court warned that if Vasquez failed
19 to pay the filing fee or file a new *in forma pauperis* application within the time allowed, this action
20 would be dismissed. *See id.* Rosendo did not pay the filing fee, or file a new *in forma pauperis*
21 application, as ordered, within that 30-day period, which expired on May 19, 2017. Therefore, on
22 June 7, 2017, the Court dismissed this action, without prejudice. *See* Order entered June 7, 2017
23 (ECF No. 4); Judgment (ECF No. 5).

24 Then, on June 16, 2017, Vasquez filed a motion for reconsideration (ECF No. 6), requesting
25 that the Court reconsider the dismissal of this action, reinstate the action, and grant him another 21
26 days to pay the filing fee.


1 The Court construes Vasquez's motion as a motion for relief from judgment pursuant to
2 Federal Rule of Civil Procedure 60(b). The Court will deny the motion, as Vasquez does not show
3 that such relief is warranted under Rule 60(b).

4 The dismissal of this action was without prejudice to Vasquez initiating a new habeas action
5 in this Court. Vasquez has shown no reason why he would be prejudiced by doing so.

6 **IT IS THEREFORE ORDERED** that petitioner's Motion for Reconsideration (ECF No. 6)
7 is **DENIED**.

8 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to petitioner, along
9 with a copy of this order, a copy of his habeas corpus petition and attachments (ECF No. 1-1), a copy
10 of his motion for appointment of counsel (ECF No. 1-2), a copy of the form habeas petition for state
11 prisoners, a copy of the form application to proceed *in forma pauperis* for state prisoners, and any
12 available instructions regarding those forms.

13
14 Dated this 19th day of June, 2017.

15 
16 _____
LARRY R. HICKS
UNITED STATES DISTRICT JUDGE