28

Doc. 4

IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice to the filing of a petition in a **new** action with either the \$5.00 filing fee or a properly completed application form to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that a certificate of appealability is denied, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

IT IS FURTHER ORDERED that petitioner's request for oral argument (ECF No. 3) is DENIED as moot.

IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each of an application form to proceed in forma pauperis for incarcerated persons and a noncapital Section 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he submitted in this action.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

DATED: This 12th day of September, 2019.

UNITED STATES DISTRICT JUDGE