

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TERRANCE EUGENE WILLIAMS,

Petitioner,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, et al.,

Respondents.

Case No. 3:21-cv-00187-HDM-CLB

ORDER

This habeas matter is before the Court on Petitioner's failure to file an amended petition on the Court's required 28 U.S.C. § 2254 petition form.

On May 24, 2021, the Court entered an order directing Petitioner Terrance Eugene Williams, a *pro se* Nevada prisoner, to file his petition on the Court's required 28 U.S.C. § 2254 petition form and to either pay the standard five dollar (\$5.00) filing fee or file a complete application for leave to proceed *in forma pauperis* ("IFP") within 30 days. ECF No. 4. On June 9, 2021, Petitioner filed a Motion for Appointment of Counsel¹ (ECF No. 5) and another IFP application (ECF No. 6).

On July 6, 2021, the Court instructed Petitioner to file an amended petition on the Court's form within 30 days and file a copy of his inmate trust account statement for the six-month period prior to filing, or alternatively pay the \$5 filing fee within 30 days. On September 29, 2021, the Court again instructed Petitioner

¹ The Court will defer consideration of the motion for appointment of counsel until Petitioner has fully complied with this order.

1 to file an amended petition on the Court's form within 30 days and
2 file a copy of his inmate trust account statement for the six-
3 month period prior to filing, or alternatively pay the \$5 filing
4 fee within 30 days.² In the September 29, 2021 order, the Court
5 attached a blank 28 U.S.C. § 2241 form in error.³

6 Local Rule LSR 3-1 requires Petitioner to file his petition
7 on the Court's required § 2254 petition form. Petitioner must use
8 the required form to state his claims in order to provide the court
9 with necessary information to conduct preliminary review of the
10 petition. Accordingly, the Court will provide an additional 45
11 days for Petitioner to file an amended petition on the Court's §
12 2254 petition form.

13 Petitioner must clearly title the amended petition as such by
14 writing the word "AMENDED" immediately above "Petition for a Writ
15 of Habeas Corpus" on page 1 in the caption, and he must place the
16 case number, 3:21-cv-00187-HDM-CLB, in the designated space. Under
17 Local Rule 15-1, the amended petition must be complete in itself
18 without reference to previously filed papers. Thus, the claims and
19 allegations that are stated in the amended petition will be the
20 only matters remaining before the Court. Any claims or allegations
21 that are left out of the amended petition or that are not re-
22 alleged will not be considered.

23 **IT IS THEREFORE ORDERED:**

24 1. The Clerk of Court is instructed to MAIL Petitioner a blank
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26 ² To date, Petitioner has not filed a copy of his inmate trust
27 account statement for the six-month period prior to filing, or
28 alternatively paid the \$5 filing fee.

³ Petitioner must file his petition on the Court's required 28
U.S.C. § 2254 petition form.


1 form petition for a writ of habeas corpus pursuant to **28**
2 **U.S.C. § 2254** with instructions.

3 2. Petitioner must file an amended petition on the Court's
4 form within 45 days. Petitioner must clearly title the
5 amended petition as such by writing the word "AMENDED"
6 immediately above "Petition for a Writ of Habeas Corpus"
7 on page 1 in the caption, and he must place the case number,
8 3:21-cv-00187-HDM-CLB, in the designated space.

9 3. Within 45 days of the date of this order, Petitioner must
10 file a copy of his inmate trust account statement for the
11 six-month period prior to filing. Alternatively,
12 Petitioner will pay the \$5 filing fee within 45 days.

13 4. Petitioner's failure to comply with this Order by (a)
14 filing an amended petition, and either (b) submitting a
15 statement of his inmate trust account for the six-month
16 period prior to filing to complete his IFP application, or
17 (c) paying the filing fee within 45 days will result in
18 the dismissal of this action without prejudice and without
19 further advance notice.

20 DATED: this 18th day of November 2021.

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HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE
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