

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DEON D. SMALLEY,

Petitioner,

v.

WILLIAM GITTERE, et al.,

Respondents.

Case No. 3:21-cv-00331-RCJ-CLB

ORDER

Deon D. Smalley has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). He has not, however, either paid the \$5.00 filing fee or submitted a completed application to proceed *in forma pauperis* with the required inmate account statements for the past sixth months and financial certificate. 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2.

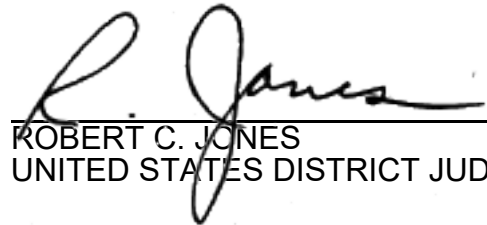
This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice will materially affect a later analysis of any timeliness issue with respect to a new action.

1           **IT IS THEREFORE ORDERED** that within **30 days** of the date of this order  
2 petitioner must submit either the \$5.00 filing fee or a fully completed application to  
3 proceed *in forma pauperis*.

4           **IT IS FURTHER ORDERED** that failure to do so may result in the dismissal of  
5 this action without prejudice.

6           **IT IS FURTHER ORDERED** that the Clerk retain the petition but not file it at this  
7 time.

8           DATED: 7 day of September 2021.

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11 ROBERT C. JONES  
12 UNITED STATES DISTRICT JUDGE  
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