

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL ESTES,

Case No. 3:21-cv-00338-MMD-WGC

Petitioner,

ORDER

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WARDEN WILLIAM GITTERE, *et al.*,

Respondents.

12 Petitioner Michael Estes, a *pro se* Nevada inmate, has not properly commenced
13 this habeas action by either paying the standard \$5.00 filing fee or filing an application for
14 leave to proceed *in forma pauperis* (“IFP”). Estes submitted under 28 U.S.C. § 2254 a
15 petition for writ of habeas corpus (ECF No. 1-1), but Estes did not pay the \$5.00 filing fee
16 or submit an IFP application.

17 Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a
18 \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court
19 may authorize an indigent inmate to begin a habeas action without paying the \$5.00 fee
20 if he or she submits an IFP application on the approved form and includes three specific
21 documents: (a) the inmate's financial declaration and acknowledgement showing an
22 inability to prepay fees and costs, (b) a financial certificate signed by the inmate and an
23 authorized prison official, and (c) a copy of the inmate's account statement for the six-
24 month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

25 Estes will have 45 days from the date of this order to either pay the \$5.00 filing fee
26 or submit a complete IFP application with all required documentation.

27 It is therefore ordered that the initial screening of Petitioner Michael Estes's petition
28 for writ of habeas corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases,

1 and consideration of Estes's motion for appointment of counsel (ECF No. 1-2), are
2 deferred to until such time as he has fully complied with this order.

3 The Clerk of Court is directed to send Estes a blank IFP application for incarcerated
4 litigants along with *two* copies of this order.

5 It is further ordered that, *within 45 days of the date of this order*, Estes must file an
6 IFP application that includes a: (a) financial certificate signed by Estes and an authorized
7 prison official, (b) financial declaration and acknowledgement signed by Estes, and
8 (c) copy of Estes's inmate account statement for the six-month period prior to filing.
9 Alternatively, Estes must pay the \$5.00 filing fee within 45 days. If Estes decides to pay
10 the filing fee from his inmate account, Estes must arrange to have a copy of this order
11 attached to the check for the filing fee.

12 It is further ordered that Estes's failure to comply with this order within 45 days by
13 (a) submitting a complete IFP application or (b) paying the filing fee, will result in the
14 dismissal of this action without prejudice and without further advance notice.

15 DATED THIS 8th Day of September 2021.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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