

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**

3 ROBERTO DURAND,

Case No. 3:22-cv-00237-LRH-CSD

4 Petitioner,

## ORDER

5 v.

6 WILLIAM RUEBUART, et al.,

7 Respondents.

8 Petitioner Roberto Durand, a *pro se* Nevada prisoner, submitted a Petition for Writ of  
9 Habeas Corpus under 28 U.S.C. § 2254 and an application for leave to proceed *in forma pauperis*  
10 (“IFP”). (ECF Nos. 1-1, 3.) On May 31, 2022, this Court determined that Petitioner’s application  
11 for leave to proceed IFP was incomplete and instructed him to submit a complete IFP application  
12 or pay the \$5 filing fee within 45 days. (ECF No. 4.) On June 2, 2022, Petitioner again filed an  
13 incomplete application for leave to proceed IFP. (ECF No. 5.) On June 13, 2022, this Court denied  
14 the application and gave Petitioner one more opportunity to file a complete IFP application or pay  
15 the filing fee. (ECF No. 7.) This Court warned Petitioner that failure to file a complete IFP  
16 application or pay the filing fee within 45 days would “result in the dismissal of this action without  
17 prejudice and without further advance notice.” (*Id.* at 2.) On June 15, 2022, Petitioner again filed  
18 an incomplete IFP. (ECF No. 8.) Because Petitioner has failed to comply with the Court’s orders  
19 to file a complete IFP application or pay the filing fee, this Court will dismiss this action.

20 **IT IS THEREFORE ORDERED:**

- 21 1. Petitioner’s application for leave to proceed IFP (ECF No. 8) is **DENIED**.
- 22 2. The Clerk of Court is instructed to file the petition for a writ of habeas corpus (ECF  
23 No. 1-1).

3. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court is instructed to add Aaron Ford, Attorney General for the State of Nevada, as counsel for respondents and provide copies of this order and all prior filings to the Attorney General in a manner consistent with the clerk's current practice, such as regeneration of notices of electronic filing. No response by the Attorney General is necessary.

4. It is further ordered that this action is **DISMISSED WITHOUT PREJUDICE** for Petitioner's failure to comply with the Court's orders to file a complete IFP application or to pay the filing fee. The clerk of the court is directed to enter judgment accordingly and to close this action.

5. It is further ordered that a certificate of appealability will not issue.

DATED this 1st day of August 2022.

LARRY R. HICKS  
UNITED STATES DISTRICT COURT