

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLYDE H. PHILLIPS, JR.,

Petitioner,

v.

Case No. 2:17-cv-13822
Hon. Arthur J. Tarnow

SHIRLEE HARRY,

Respondent.

**OPINION AND ORDER DISMISSING PETITION FOR A WRIT OF HABEAS
CORPUS WITHOUT PREJUDICE AND DENYING A CERTIFICATE OF
APPEALABILITY**

Clyde H. Phillips filed a letter with the Court that was interpreted as a possible request for habeas corpus relief pursuant to 28 U.S.C. § 2254. The letter itself alluded to possible claims challenging an unspecified state court conviction, but on its face it requested an extension of time to file a future habeas petition.

Petitioner did not pay the required filing fee when he filed the letter, nor did he submit an application to proceed in forma pauperis. *See* 28 U.S.C. § 1914(a); 28 U.S.C. § 1915; Rule 3 of the Rules Governing § 2254 Cases. Accordingly, the Court issued an Order to Correct Deficiency on December 4, 2017, along with a copy of the preprinted habeas petition. The order required that Petitioner correct his filing deficiencies by filing a proper petition and either the filing fee or petition to proceed in forma pauperis by January 3, 2018. The order provided that if Petitioner did not timely correct his filing deficiencies his case could be dismissed. The time for correcting the filing deficiencies has elapsed, and Petitioner has failed to correct the deficiency.

Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** the petition for a

writ of habeas corpus.

The Court also denies a certificate of appealability because the disposition of the case is not reasonably debatable. See 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b).

If Petitioner still desires to pursue habeas relief, he may initiate a new action by submitting a habeas petition with payment of the filing fee or an in forma pauperis application.

IT IS SO ORDERED.

S/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: January 31, 2018

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on January 31, 2018, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Assistant