

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

COLLIE ANDERSON,
Petitioner,

v.

Case No. 15-12464
HON. TERRENCE G. BERG

SHANE PLACE,
Respondent.

**OPINION AND ORDER DISMISSING THE PETITION FOR A WRIT OF
HABEAS CORPUS AND DENYING A CERTIFICATE OF APPEALABILITY**

The Court has before it Michigan prisoner Collie Anderson's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner did not pay the required filing fee when he instituted this action, 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. The Court, therefore, issued two deficiency orders ultimately requiring Petitioner to either pay the filing fee or submit a properly completed *in forma pauperis* application by September 15, 2015. The orders provided that if he did not do so, his case would be dismissed. The time for submitting the filing fee or required information 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 makes no determination as to the merits of the petition. This case is **CLOSED**. Should Petitioner wish to proceed with a

federal habeas action, he must submit a new habeas petition, along with payment of the filing fee or an *in forma pauperis* application.

Before Petitioner may appeal the Court's decision, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When a federal court denies relief on procedural grounds without addressing the merits of a habeas petition, a certificate of appealability should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). Reasonable jurists could not debate the correctness of the Court's procedural ruling. Accordingly, the Court **DENIES** a certificate of appealability.

SO ORDERED.

Dated: October 19, 2015

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on October 19, 2015, using the CM/ECF system; a copy of this Order was also mailed to the Baraga Maximum Correctional Facility, 13924 Wadaga Rd., Baraga, MI 49908 directed to Petitioner's attention.

s/K. Winslow
Case Manager Generalist