

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Delniece J’Nay Williams,

Petitioner, Case No. 16-cv-13234

v.

Judith E. Levy
United States District Judge

Anthony Stewart,

Mag. Judge Patricia T. Morris

Respondent.

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**ORDER DISMISSING WITHOUT PREJUDICE PETITION FOR
WRIT OF HABEAS CORPUS [1]**

On September 8, 2016, Petitioner Delniece J’Nay Williams filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Dkt. 1.) Petitioner did not file the required \$5.00 filing fee or an application to proceed *in forma pauperis*. On September 15, 2016, the Court issued a deficiency order, requiring Petitioner to file either the filing fee or an application to proceed *in forma pauperis* within twenty-one (21) days. (Dkt. 4.) To date, Petitioner has not responded to this order.

Accordingly, the Court DISMISSES WITHOUT PREJUDICE the petition for a writ of habeas corpus. (Dkt. 1.) The Court makes no

determination as to the merits of the petition. This case is closed, and should Petitioner wish to seek federal habeas relief, she must file a new petition with the \$5.00 filing fee or an *in forma pauperis* application.

When a court disposes of a habeas petition, it must also decide whether to issue a certificate of appealability. 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). This showing is met if “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000).

Reasonable jurists would not debate the correctness of the Court’s procedural ruling. Accordingly, the Court DENIES a certificate of appealability.

IT IS SO ORDERED.

Dated: February 1, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 1, 2017.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager