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14UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANDREW EARL CHAMBERS,

Petitioner,

v.

WARDEN NEVENS, et al.,

Respondents.

Case No. 2:13-cv-00489-MMD-GWF

ORDER

The Court dismissed this action because petitioner neither filed an application to proceed *in forma pauperis* nor paid the filing fee. Petitioner has submitted a motion to reconsider (dkt. no. 6). He first states that he intended to pay the filing fee but that he was waiting for an order from the Court telling him to do that. Petitioner's excuse is unconvincing. If he truly had intended to pay the filing fee, then he would have paid the filing fee. He needed no order from the Court to do that. Petitioner next states that the date he mailed his petition for a writ of habeas corpus is important for the issue of timeliness. For that reason, and based upon the Court's preliminary calculations, the Court will grant petitioner relief.

IT IS THEREFORE ORDERED that petitioner's motion to reconsider (dkt. no.6) is GRANTED. The order (dkt. no. 4) and the judgment (dkt. no. 5) dismissing this action are VACATED, and this action is REINSTATED.


IT IS FURTHER ORDERED that petitioner shall make the necessary arrangements to pay the filing fee of five dollars (\$5.00), accompanied by a copy of this

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order. Petitioner shall have thirty (30) days from the date that this order is entered to
comply. Failure to comply will result in the dismissal of this action.

DATED THIS 11th day of April 2013.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE