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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DARNELL PARRISH, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 BRIAN WILLIAMS, *et al.*, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )  
 /

2:13-cv-0836-JCM-VCF

**ORDER**

Darnell Parrish, a *pro se* prisoner, submitted a petition for a writ of habeas corpus and filed an application for leave to proceed *in forma pauperis* (ECF No. 1).

The court denied his application and ordered petitioner to pay the \$5 filing fee by June 17, 2013. ECF No. 4. That time expired with no receipt of payment being provided on the docket. The matter was dismissed for failure to pay the filing fee on July 15, 2013. ECF No. 5.

Petitioner now moves the court to reopen his case (ECF No. 7), providing documentation showing that he diligently attended to the payment of the fee by immediately processing a brass slip for payment to the court and that the payment was purportedly processed for payment to the court on or about June 11, 2013. The court has been unable, however, to confirm receipt of payment of the fee. Meanwhile, petitioner has filed a notice of appeal.

Because there is no record that payment was actually received by the court and because the

1 dismissal was without prejudice, the motion to reopen shall be denied.

2 **IT IS THEREFORE ORDERED** the motion to reopen (ECF No. 7) is **DENIED**.

3 **IT IS FURTHER ORDERED** that no certificate of appealability shall issue given that  
4 jurists of reason would not find the decision to dismiss the action and to deny the motion to reopen  
5 debatable.

6 Dated this 22nd day of October, 2013.

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UNITED STATES DISTRICT JUDGE