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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DARNELL LEROY PARRISH,

Petitioner,

vs.

BRIAN E. WILLIAMS, SR., et al.,

Respondents.

Case No. 2:13-cv-00836-JCM-VCF

**ORDER**

Petitioner has submitted another motion for leave to refile the case (#21). The court had dismissed this action without prejudice to commencing a new action because petitioner had not paid the filing fee. Order (#4). Petitioner had appealed the dismissal of this action. The court of appeals held:

The request for a certificate of appealability is denied because the underlying petition fails to state any federal constitutional claims debatable among jurists of reason.

Order (#18) (emphasis added). In the motion for leave to refile (#21), petitioner misreads “underlying petition” as “notice of appeal,” and then argues that the notice of appeal contained no constitutional issues because he was appealing a dismissal for failure to pay the filing fee. However, the court of appeals actually reviewed the petition for a writ of habeas corpus when it determined that there were no federal constitutional claims. Furthermore, to the extent that petitioner argues that he tried to pay the filing fee, the court already has rejected that argument when it denied petitioner’s earlier motion to reopen. Order (#11).

1 The denial of the motion for leave to refile (#21) makes petitioner's other motions (#22, #23,  
2 #24, #26) moot.

3 To the extent that a certificate of appealability is necessary, reasonable jurists would not find  
4 the court's conclusions to be debatable or wrong, and the court denies a certificate of appealability.

5 IT IS THEREFORE ORDERED that petitioner's motion for leave to refile the case (#21) is  
6 **DENIED**.

7 IT IS FURTHER ORDERED that petitioner's application to proceed in forma pauperis  
8 (#22), motion for leave to exceed the page limit (#23), motion for appointment of counsel (#24), and  
9 motion pursuant to rule 7(b)(1) (#26) are **DENIED** as moot.


10 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

11 DATED: August 19, 2014.

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JAMES C. MAHAN  
United States District Judge

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