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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 has expired and no payment has been received and no request for additional time has been made. In anticipation of dismissing the petition for lack of payment, the court has reviewed the petition. The review demonstrates that petitioner was convicted in 1998 and his appeal was final in 2000. The appeal on post-conviction review was completed in 2001. The instant petition was mailed May 7, 2013, more than twelve years after the conviction became final. Thus, it appears that a dismissal of this action for failure to pay the fee would not have any impact on a timeliness analysis that might be required should petitioner refile. *See* 28 U.S.C. § 2244(d).

IT IS THEREFORE ORDERED that the action shall be dismissed without prejudice for

1 failure to pay the required filing fee. No certificate of appealability will be issued.


2 The clerk shall enter judgment accordingly.

3 Dated this 15th day of July, 2013.

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UNITED STATES DISTRICT JUDGE

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