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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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8 DARNELL LEROY PARRISH,

9 Petitioner,

2:15-cv-00784-RFB-VCF

10 vs.

ORDER11 BRIAN E. WILLIAMS, SR., *et al.*,

12 Respondents.

13 _____/

14 This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Darnell
15 Leroy Parrish. Parrish initiated this action on April 28, 2015, by filing an application to proceed *in*
16 *forma pauperis* (ECF No. 1), along with his habeas corpus petition, a request for judicial notice (ECF
17 No. 2), and a motion for leave to exceed page limit (ECF No. 3).

18 Despite filing an application to proceed *in forma pauperis*, Parrish paid the \$5 filing fee.
19 *See* Receipt (ECF No. 1). Therefore, the application to proceed *in forma pauperis* is moot, and it will
20 be denied on that ground.

21 The court has examined the habeas petition, pursuant to Rule 4 of the Rules Governing Section
22 2254 Cases in the United States District Courts, and determines that it is defective. The court will grant
23 Parrish and opportunity to show cause why the court should not dismiss this action.

24 Parrish's habeas petition challenges conviction and sentence for second degree murder, entered
25 in 1998 in Nevada's Eighth Judicial District Court. *See* Petition, pp. 1-2.

26 . . .

1 Parrish has, however, already litigated a federal habeas corpus petition regarding that conviction and
2 sentence; his petition is successive.

3 The court takes judicial notice of the proceedings in this court in Case No. 2:04-cv-00187-PMP-
4 RJJ. In that case, initiated by Parrish in 2004, Parrish challenged the same conviction and sentence that
5 he challenges in this case, and on July 22, 2005, this court denied Parrish relief on the merits of his
6 claims. *See* Order entered July 22, 2005, ECF No. 32 in Case No. 2:04-cv-00187-PMP-RJJ. This court
7 went on to deny Parrish a certificate of appealability. *See* Order entered August 25, 2005, ECF No. 36
8 in Case No. 2:04-cv-00187-PMP-RJJ. The Ninth Circuit Court of Appeals, in turn, denied Parrish a
9 certificate of appealability on November 29, 2005. *See* Order filed November 22, 2005, ECF No. 39 in
10 Case No. 2:04-cv-00187-PMP-RJJ.

11 A successive habeas petition may not be filed in this court unless the petitioner has obtained
12 permission from the Ninth Circuit Court of Appeals. *See* 28 U.S.C. § 2244(b)(3)(A) (“Before a second
13 or successive application permitted by this section is filed in the district court, the applicant shall move
14 in the appropriate court of appeals for an order authorizing the district court to consider the
15 application.”). Parrish has made no allegation or showing that he has obtained such permission from
16 the court of appeals.

17 The court will grant Parrish an opportunity to show cause why this action should not be
18 dismissed on account of his failure to obtain, from the court of appeals, permission to file this successive
19 petition. If Parrish fails, within the time allowed, to show that he has obtained such permission, this case
20 will be dismissed. If Parrish is able to make the showing required by this order, the court will then
21 screen Parrish’s petition with regard to whether he states any claims that are not plainly meritless.

22 The court will deny Parrish’s request for judicial notice (ECF No. 2), but will retain that
23 document and treat it as briefing regarding his petition if this action proceeds. The court will deny
24 Parrish’s motion for leave to exceed page limit (ECF No. 3), as that motion is unnecessary; his petition
25 does not exceed any applicable page limit.

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IT IS THEREFORE ORDERED that petitioner's Application to Proceed *in Forma Pauperis* (ECF No. 1) is **DENIED**. Petitioner has paid the filing fee for this action.

IT IS FURTHER ORDERED that the petitioner shall have **30 days** from the date of entry of this order to show cause why the court should not dismiss this action, as explained above. Failure to respond to this order within the time allowed, or failure to make the required showing, will result in the dismissal of this action.

IT IS FURTHER ORDERED that petitioner's request for judicial notice (ECF No. 2) is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for leave to exceed page limit (ECF No. 3) is **DENIED**.

Dated this 29th day of June, 2015.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE