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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TAMIR GABRIEL MCKINLEY,  
Petitioner,  
v.  
STATE OF NEVADA,  
Respondent.

Case No. 2:18-cv-00467-JCM-GWF

**ORDER**

The court ordered petitioner either to file an application to proceed in forma pauperis or to pay the filing fee. Order (ECF No. 3). Petitioner has not complied with the court's order within the allotted time. The court will dismiss the action. Even though the dismissal will be without prejudice, petitioner remains responsible for calculating whether any later-filed action would be timely under 28 U.S.C. § 2244(d).

Reasonable jurists would not find the court's decision to be debatable or wrong, and the court will not issue a certificate of appealability.

IT THEREFORE IS ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the court's order. The clerk of the court shall enter judgment accordingly and close this action.

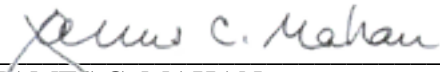
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IT FURTHER IS ORDERED that a certificate of appealability will not issue.

DATED: June 21, 2018.

  
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JAMES C. MAHAN  
United States District Judge