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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DEE V. TOWLES,

Petitioner,

vs.

WARDEN BACA, et al.,

Respondents.

Case No. 3:13-cv-00576-RCJ-WGC

**ORDER**

The court denied petitioner’s application to proceed in forma pauperis and directed petitioner to pay the filing fee of \$5.00. Order (#3). Petitioner responded with a letter (#4) stating that he has submitted the paperwork to the prison officials for payment. More than two months have passed since the court has received the letter, and the court has received neither the filing fee nor any explanation why petitioner is unable to pay the filing fee. The court will dismiss the action. The court makes no comment whether a subsequently filed action will be timely.

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

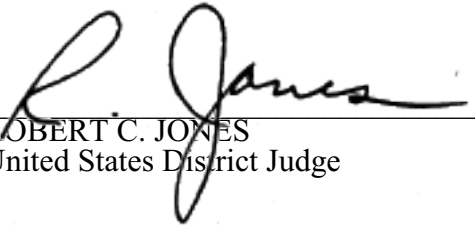
IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for petitioner’s failure to pay the filing fee.

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

Dated: This 17<sup>th</sup> day of January, 2014.

  
ROBERT C. JONES  
United States District Judge