

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN CRISMAN,
Petitioner,

vs.

WARDEN LeGRAND, *et al.*,
Respondents.

Case No. 3:14-cv-00636-HDM-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

In this habeas action, petitioner is challenging a state court judgment of conviction entered in 1999. Petitioner signed his federal habeas petition and dispatched it for mailing on December 1, 2014. By order filed July 23, 2015, the Court determined that the federal petition in this action was filed after the expiration of the AEDPA statute of limitations. *See* 28 U.S.C. § 2244(d)(1). Petitioner was granted thirty days in which to file points and authorities, together with such evidence he may have, that demonstrates either that he submitted his federal habeas corpus petition in a timely manner, or that he is entitled to equitable tolling of the one-year limitations period imposed by the AEDPA. (ECF No. 4). The time for filing points and authorities has long since expired, and petitioner has filed nothing to indicate that he filed his petition in a timely manner or that he is entitled to equitable tolling. Therefore, the Court will dismiss this action.

1 Additionally, the Court notes that on July 23, 2015, the Court received petitioner's motion to
2 extend his prison copy work limit. (ECF No. 6). The motion was signed by petitioner on July 1,
3 2015. (*Id.*, at p. 3). Attached to the motion, petitioner submits a financial certificate and his prison
4 inmate account for the preceding six months. (*Id.*, at pp. 4-12). Given the date that the motion was
5 signed, petitioner's motion was not responsive to the Court's order requiring him to explain why his
6 petition was timely filed or why he is entitled to equitable tolling.

7 **IT IS THEREFORE ORDERED** that petitioner's motion to extend copy work (ECF No.
8 6) is **DENIED**.

9 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITH PREJUDICE**.

10 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. Reasonable
11 jurists would not find the dismissal of an untimely petition to be debatable or wrong.

12 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment accordingly.

13 Dated this 21st day of October, 2015.

14

15

16



17

HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE

18

19

20

21

22

23

24

25

26

27

28