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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DUSTIN BARNETT,  
Petitioner,  
vs.  
STATE OF NEVADA,  
Respondent.

Case No. 3:15-cv-00035-RCJ-WGC

**ORDER**

The court directed petitioner to do two things, if petitioner actually was seeking federal habeas corpus relief and did not file his state post-conviction habeas corpus petition in the wrong court. Order (#3). First, petitioner needed either to pay the filing fee of five dollars (\$5.00) or to file an application to proceed in forma pauperis. Second, petitioner needed to file a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on this court’s form. Petitioner has done neither of these things within the allotted time. The court will dismiss the action.

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

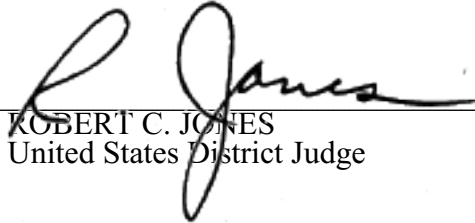
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IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for petitioner's failure to comply with the court's prior order (#3). The clerk of the court shall enter judgment accordingly.

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

Dated: April 27, 2015.

  
ROBERT C. JONES  
United States District Judge