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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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9 DENNIS KIRK SUDBERRY,

10 Petitioner,

11 vs.

12 ISIDRO BACA, et al.,

13 Respondents.

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Case No. 3:17-cv-00021-LRH-WGC

ORDER

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The court directed petitioner either to file an application to proceed in forma pauperis or to pay the filing fee of \$5.00. ECF No. 4. The court then granted petitioner an extension of time to comply with the earlier order. ECF No. 6. Petitioner has neither filed a application nor paid the filing fee in the allotted time. The court will dismiss the action. Although the dismissal is without prejudice, the court makes no statement regarding the applicability of any procedural bars to any subsequently commenced action.

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

IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General for the State of Nevada, as counsel for respondents.

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IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a copy of the this order. No response is necessary.

DATED this 11th day of September, 2017.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE