

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ELIJAH DOUGLAS ROGERS, I,

Case No. 3:21-cv-00140-MMD-CLB

Petitioner

## ORDER

PERRY RUSSELL, *et al.*,

## Respondents

11 This is a habeas corpus action under 28 U.S.C. § 2254. The Court directed  
12 Petitioner either to file an application to proceed *in forma pauperis* or to pay the filing fee  
13 of \$5.00 within 45 days. (ECF No. 3.) Petitioner has not complied with the order within the  
14 allotted time. The Court will accordingly dismiss this action.

15 Reasonable jurists would not find the Court's conclusion to be debatable or wrong,  
16 so the Court will not issue a certificate of appealability.

17 It is therefore ordered that this action is dismissed without prejudice for Petitioner's  
18 failure to follow the Court's order.

19 It is further ordered that a certificate of appealability will not issue.

20 The Clerk of Court is directed to enter judgment accordingly and close this case.

21 DATED THIS 7<sup>th</sup> Day of June 2021



MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE