

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAREEM McCARGO,

Petitioner,

-against-

WARDEN JAMISON,

Respondent.

24-CV-2367 (LTS)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated March 28, 2024, the Court directed Petitioner, within 30 days, to submit a completed request to proceed *in forma pauperis* (“IFP application”) or pay the \$5.00 fee required to file a petition for a writ of *habeas corpus* in this court. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an IFP application or paid the fee. Accordingly, the petition is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

CONCLUSION

Accordingly, because Petitioner did not submit an IFP application or pay the filing fee within the time allowed, the Court dismisses the petition for a writ of *habeas corpus* without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: June 3, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge