

September 12, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-61123  
Summary Calendar

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FIFI DAVIS,

Petitioner-Appellant,

versus

MARCUS GORDON; MIKE MOORE,  
Attorney General for the State  
of Mississippi; LAWRENCE KELLY,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 4:02-CV-84-LN  
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Before JONES, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:\*

Fifi Davis, Mississippi prisoner # R6964, appeals the district court's dismissal for failure to pay the filing fee of her 28 U.S.C. § 2254 petition challenging her three convictions for uttering forgery. She contends that she was indigent and could not afford the \$5 filing fee, that her family had sent the funds, that the court should have removed the funds from her prison account, and that the court denied her due process by dismissing the case

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

without holding a hearing. Davis has not shown that the district court abused its discretion in dismissing her habeas petition. See Martinez v. Johnson, 104 F.3d 769, 771 (5th Cir. 1997). Consequently, the judgment of the district court is **AFFIRMED**.