

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

TYWAUN TRAMEL COAKLEY,

Petitioner,

v.

**Civil Action No. 5:08cv166
(Judge Stamp)**

GEORGE TRENT,

Respondent.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

On this day, the above-styled matter came before the Court for consideration of the petitioner, Tywaun Tramel Coakley's, § 2241 habeas corpus petition. A review of the file shows that the petitioner initiated this case on November 7, 2008. Because the petitioner had not paid the filing fee or filed a request to proceed as a pauper at that time, the Clerk sent the petitioner a Notice of Deficient Pleading advising him to pay the required filing fee or file a request to proceed as a pauper within twenty (20) days. The petitioner failed to respond.

Consequently, on February 2, 2009, Magistrate Judge John S. Kaull directed the petitioner to show cause within ten (10) days, why his case should not be dismissed for the failure to prosecute. Further, Magistrate Judge Kaull advised the petitioner that the failure to respond would result in the dismissal of his case.

Upon a review of the file on this date, the Court finds that the petitioner has not complied with the Court's Deficiency Notice nor shown cause why his case should not be dismissed for the failure to prosecute. Moreover, the petitioner has not requested an extension of time to comply with the Court's orders, or otherwise explained his reasons for noncompliance. Accordingly, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Court hereby **DISMISSES** without

prejudice, the plaintiff's complaint [dckt. 1] for the failure to prosecute, and ORDERS it STRICKEN from the active docket of this Court.

Should the petitioner choose to appeal the judgment of this Court to the United States Court of Appeals for the Fourth Circuit, he is ADVISED that he must file a notice of appeal with the Clerk of this Court within 30 days after the date of the entry of the judgment order.

IT IS SO ORDERED.

The Clerk is DIRECTED to transmit a copy of this memorandum opinion and order to the plaintiff and counsel of record herein. Pursuant to Federal Rule of Civil Procedure 58, the Clerk is DIRECTED to enter judgment on this matter.

DATED: March 12, 2009

/s/ Frederick P. Stamp, Jr.

FREDERICK P. STAMP, JR.

UNITED STATES DISTRICT JUDGE