

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA            )  
  )  
  )    CIVIL ACTION NO. 2:06cv22-F  
  )  
  )  
DARREN LAVON SMILEY                 )

**ORDER ON MOTION**

Now pending before the court is the application to proceed without prepayment of fees (Doc. # 2) filed by Darren Lavon Smiley in conjunction with his motion under 28 U.S.C. § 2255. There is no filing fee required for a motion to vacate filed pursuant to 28 U.S.C. § 2255. Accordingly, upon consideration of the application to proceed without prepayment of fees, it is

ORDERED that the application be and is hereby DENIED as moot.

Done this 18<sup>th</sup> day of January, 2006.

  /s/Charles S. Coody    
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE