

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

DAVID M. LEMIEUX,)	
)	
Petitioner,)	
)	
v)	Civil Action No.2:10cv40-TMH
)	(WO)
J.A. KELLER,)	
)	
Respondent.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On January 19, 2010 (Doc. No. 2), this court entered an order that directed Petitioner to either submit the \$5.00 filing fee on or before February 9, 2010, or file by that same date the appropriate affidavit in support of a motion for leave to proceed *in forma pauperis* in this action for habeas corpus relief under 28 U.S.C. § 2241. Petitioner was specifically cautioned that his failure to comply with the court’s January 19 order would result in a recommendation that his case be dismissed. (*See* Doc. No. 2 at 1.) The requisite time has passed, and Petitioner has filed nothing in response to the court’s order. Consequently, the court concludes that dismissal of this case is appropriate for Petitioner’s failure to comply with the court’s order.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Petitioner’s failure to comply with the order of this court.

