

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**


**TRACY A. FUSSNER,** )  
 )  
 **Petitioner,** )  
 )  
 v. )  
 )  
 **SUPERINTENDENT, TALLADEGA** )  
 **FEDERAL CORRECTIONAL** )  
 **FACILITY,** )  
 )  
 **Respondent.** )

**Case No.: 1:15-cv-01917-RDP-JHE**

**MEMORANDUM OPINION**

On October 21, 2015, Petitioner Tracy A. Fussner (“Fussner”) filed a petition in the Southern District of Indiana for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking to attack his federal sentence by way of the Savings Clause of 28 U.S.C. § 2255(e). (Doc. 1). On October 26, 2015, the petition was transferred to this court. (Doc. 3). Because Fussner had neither paid the \$5.00 filing fee nor applied to proceed *in forma pauperis*, the court issued a notice of deficient pleading on October 29, 2015, informing him that his failure to do one or the other within thirty days of the date of the notice would result in dismissal of his case for want of prosecution. (Doc. 6) (citing FED. R. CIV. P. 41(b)). That deadline has passed, and Fussner has not paid the filing fee or filed an application to proceed *in forma pauperis*. Accordingly, his petition is due to be **DISMISSED WITHOUT PREJUDICE** for want of prosecution. A separate order will be entered.

**DONE and ORDERED** this December 11, 2015.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE