

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

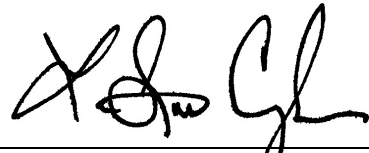
BENJAMIN TONY WILHITE,	)	
	)	
Petitioner,	)	
	)	Civil Action No.
v.	)	2:17-cv-0842-LSC-JEO
	)	
WARDEN DARLENE DREW,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

Petitioner Benjamin Tony Wilhite, a federal prisoner acting *pro se*, filed this action seeking a writ of habeas corpus pursuant to the general habeas statute, 28 U.S.C. § 2241, seeking credit on his sentence. (Doc. 1). On May 23, 2017, the court entered an order denying his application to proceed *in forma pauperis* on the ground that his jail account statement revealed that he is able to afford the five-dollar filing fee applicable in habeas corpus cases. (See Docs. 2, 3). Petitioner was further advised his failure to pay the fee within 30 days order might result in summary dismissal. (Doc. 3). Petitioner didn't comply. On October 6, 2017, the court entered another order, this time requiring Petitioner to show cause, by October 20th, why the action should not be dismissed for want of prosecution. (Doc. 4). That order provided that Petitioner might, in the alternative, simply pay the filing fee by the deadline. Petitioner, however, has not responded to the order

to show cause, nor has he paid the filing fee. In consideration of the foregoing, the court concludes that this habeas corpus action is due to be dismissed for want of prosecution. A separate final order will be entered.

Done this 7<sup>th</sup> day of November 2017.

A handwritten signature in black ink, appearing to read 'L. Scott Cogler', written over a horizontal line.

L. Scott Cogler  
United States District Judge  
[160704]