

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

GARY ALLEN BURTON,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:24-cv-1263-MHH-GMB
)	
STEVEN T. MARSHALL,)	
)	
Respondent.)	

ORDER

On January 2, 2025, the court entered a report recommending the dismissal of Petitioner Gary Allen Burton’s claims for failure to prosecute after he failed to comply with the court’s order to submit an amended habeas petition. Doc. 8. But on January 7, while the recommendation remained pending, Burton filed an amended petition (Doc. 9) and a motion to proceed *in forma pauperis*. Doc. 10.

Accordingly, it is ORDERED that the report and recommendation (Doc. 8) is WITHDRAWN. Because Burton paid his \$5 filing fee on November 25, 2024, it is ORDERED that his motion to proceed *in forma pauperis* (Doc. 10) is moot.

DONE and ORDERED on January 8, 2025.



 GRAY M. BORDEN
 UNITED STATES MAGISTRATE JUDGE