

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

TONY WAYNE MAY,)
)
 Petitioner,)
)
 vs.)
)
 MORGAN COUNTY DHR,)
 Respondent.)

Case No. 5:14-cv-00317-VEH-TMP

MEMORANDUM OPINION


The petitioner, Tony Wayne May, filed his action for *habeas corpus* relief under 28 U.S.C. § 2254 on February 19, 2014. (Doc. 1). Petitioner neither paid the required filing fee nor filed an application to proceed *in forma pauperis*. In an order dated February 28, 2014, the magistrate judge ordered the petitioner to correct his deficient pleading within 30 days by either filing an application to proceed *in forma pauperis* or by paying the filing fee of \$5.00. (Doc. 5). The order and an application to proceed *in forma pauperis* were mailed to the petitioner on that same day. Upon the expiration of 30 days, no response had been filed by the petitioner.

The magistrate judge filed a second order, dated April 4, 2014, ordering the petitioner to correct his deficient pleading within 30 days by either filing an application to proceed *in forma pauperis* or by paying the filing fee of \$5.00. (Doc. 6). On that same day, the order and an application to proceed *in forma pauperis* were mailed to the petitioner. Both orders advised the petitioner that if he failed to correct his deficient pleading within 30 days, the court may dismiss this case for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The court has allowed the petitioner over 60 days to correct his deficient pleading, with no response from the petitioner. Accordingly, this action for *habeas corpus* relief under 28 U.S.C. §

2254 in the above-styled cause is due to be **DENIED** and **DISMISSED WITHOUT PREJUDICE** for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). A corresponding order shall be entered contemporaneously herewith.

DONE and **ORDERED** this 9th day of May, 2014.



VIRGINIA EMERSON HOPKINS
United States District Judge