

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

JANOAH DRAKE MCKANNEY,)
)
Petitioner,)
)
v.)
)
WALKER COUNTY SHERIFF,)
)
Respondent.)

Case Number: 6:17-cv-01207-VEH-JHE

MEMORANDUM OPINION

On July 19, 2017, Petitioner Janoah Drake McKanney (“McKanney”) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). Because McKanney neither paid the \$5.00 filing fee nor applied to proceed *in forma pauperis*, the Court issued a notice of deficient pleading on July 19, 2017, 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. 2) (citing FED. R. CIV. P. 41(b)). On August 7, 2017, McKanney filed a motion for leave to proceed *in forma pauperis*. (Doc. 3). The Court denied that motion on August 8, 2017, and ordered McKanney to pay the \$5.00 filing fee within thirty days of the date of the order. (Doc. 4). The order warned McKanney that failing to pay the filing fee by that deadline would result in his petition being dismissed without further notice. (*Id.*). The deadline

has now passed, and McKanney has not paid the filing fee. Accordingly, his petition is due to be **DISMISSED WITHOUT PREJUDICE** for want of prosecution. A separate order will be entered.

DONE this 18th day of September, 2017.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written in a cursive style.

VIRGINIA EMERSON HOPKINS
United States District Judge