

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES OLIVER,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CIVIL ACTION 09-00052-KD-B
	)	
JOHN CUMMINS,	)	
	)	
Respondent.	)	

ORDER

Petitioner, an Alabama inmate proceeding pro se, filed the instant action pursuant to 28 U.S.C. § 2254. A review of the docket sheet reflects that Petitioner did not pay the \$5.00 filing fee or, in lieu thereof, file a motion to proceed without prepayment of fees, when he filed his petition (Doc. 1). Accordingly, Petitioner is hereby **ORDERED** to pay the filing fee, or in lieu thereof, to complete and file this Court's form for a motion to proceed without prepayment of fees by **March 2, 2009**. See Local Rule 83.9(d)(1). Failure to comply with this Order within the prescribed time or to notify the court of a change in address will result in a recommendation of dismissal of this action without prejudice for failure to prosecute and to obey the Court's Order.

The Clerk is **DIRECTED** to send petitioner the form for a motion to proceed without prepayment of fees.

**DONE** this 29<sup>th</sup> day of **January, 2009**.

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/s/SONJA F. BIVINS  
UNITED STATES MAGISTRATE JUDGE