

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

ALFRED LEE MAULDIN
Reg # 14877-075

PETITIONER

VS.

NO. 2:08-CV-00213-BSM-BD

T.C. OUTLAW, Warden,
Federal Correctional Complex,
Forrest City, Arkansas

RESPONDENT

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following recommended disposition has been sent to United States District Court Judge Brian S. Miller. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date you receive the Recommended Disposition. A copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

II. Background

On December 11, 2008, Plaintiff, a federal prisoner proceeding pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 (docket entry #1). Petitioner did not pay the \$5.00 statutory filing fee or submit a motion for leave to proceed *in forma pauperis*. On December 29, 2008, the Court entered an order (#3) granting Petitioner thirty days to pay the filing fee or file a motion for leave to proceed *in forma pauperis*. In the order, Plaintiff was notified that failure to comply with the Court's order could result in dismissal of his case under Local Rule 5.5(c)(2) and the Federal Rules of Civil Procedure.

Plaintiff has not paid the filing fee or filed a motion for leave to proceed *in forma pauperis* within the time allowed by the Court's order.

III. Conclusion

The Court recommends that the District Court dismiss the Complaint without prejudice, under Local Rule 5.5(c)(2), and for failure to comply with the Court's Order of December 29, 2008.

DATED this 11th day of February, 2009.



UNITED STATES MAGISTRATE JUDGE