

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

DONIAL DAVIS
Reg #13057-076

PETITIONER

VS.

2:10-CV-00013-SWW/JTR

T.C. OUTLAW,
Warden, FCI- Forrest City

RESPONDENT

ORDER

Petitioner, who is currently incarcerated at the Federal Correctional Complex in Forrest City, Arkansas (“FCC-Forrest City”) has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Docket entry #2). On February 1, 2010, the Court denied Petitioner’s Motion to Proceed *In Forma Pauperis* (docket entry #1) and instructed him that, in order to proceed with this action, he must pay the \$5.00 filing fee on or before March 3, 2010. (Docket entry #3).

On February 25, 2010, Petitioner filed a Response stating that he paid his \$5.00 filing fee on June 29, 2009, almost six months before he filed his Petition. (Docket entry #6). Following a review of the records by the Office of the Clerk, it was discovered that Petitioner did submit a check to the U.S. District Court in July 2009, but the check had no accompanying documentation. On July 27, 2009, the Office of the Clerk returned the check to Petitioner with a letter stating that there was no record of any civil or criminal proceeding involving the Petitioner in the Eastern District of Arkansas.

On March 1, 2010, the Court entered an Order granting Petitioner an additional 21 days to pay the \$5.00 filing fee. (Docket entry #6). In that Order, the Court specifically advised Petitioner

that, if he failed to timely comply, his habeas action may be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2). (Docket entries #3, #6). As of the date of this Order, Petitioner has not paid the filing fee, despite being given two opportunities to do so.

IT IS THEREFORE ORDERED THAT the Petition for a Writ of Habeas Corpus, under 28 U.S.C. § 2241 (docket entry #2), is DENIED, and this habeas action is DISMISSED, WITHOUT PREJUDICE.

IT IS SO ORDERED THIS 23RD DAY OF APRIL, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE