

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

MICHAEL KEITH
Reg.# 30911-018

PETITIONER

v.

No. 2:12-cv-180-DPM-BD

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

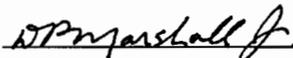
RESPONDENT

ORDER

The Court respectfully declines to adopt Magistrate Judge Deere's recommendation to dismiss, *Document No. 4*, because, as Keith noted in his objection, *Document No. 5*, he has paid the filing fee on time. Judge Deere was not asleep. When she filed her recommendation, the docket did not reflect any payment. Keith's objection prompted the Clerk to investigate; he discovered that the filing fee had been paid but not docketed. So the payment was entered as *Document No. 6*, but the entry was dated 21 September 2012, when payment was received. This was correct because the Court had ordered Keith to pay by a date certain. *Document No. 3*. The electronic receipt for *Document No. 6* (available by clicking on the black dot) confirms the timing of

things, as does the order of all the docket entries: 1, 2, 3, 6, 4 & 5. The Court returns the case to Judge Deere for further proceedings in the normal course.

So Ordered.



D.P. Marshall Jr.
United States District Judge

8 November 2012