

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

VICTOR C. WILLIAMS

PLAINTIFF

V.

3:12CV00014 JMM

MIKE ALLEN,
Sheriff of Crittenden County

DEFENDANT

ORDER

Plaintiff, Victor C. Williams, is a pretrial detainee in the Crittenden County Detention Facility. On January 17, 2012, he filed a “Petition for a Writ of Habeas Corpus” challenging the constitutionality of his pretrial custody on pending state criminal charges. *See* docket entry #1.

The Clerk’s Office docketed the Petition as a § 1983 Complaint. However, upon further reflection, the Court concludes that it is more properly characterized as a habeas petition. The Court will instruct the Clerk to re-docket the case accordingly.

The filing fee for bringing a habeas action in federal court is \$5. Plaintiff has not paid the \$5 filing fee or filed an Application to Proceed *In Forma Pauperis*. The Court will give him an opportunity to do so.

IT IS THEREFORE ORDERED THAT:

1. The Clerk is directed to reclassify this case as a habeas action.

2. The Clerk is directed to send Plaintiff an Application to Proceed *In Forma Pauperis*, along with a prisoner calculation sheet.

3. Plaintiff must, **within thirty days of the entry of this Order**, either: (a) pay the \$5 filing fee in full; or (b) file a properly completed *In Forma Pauperis* Application and prisoner calculation sheet.

4. Plaintiff is advised that if he fails to timely and properly do so, this case will be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).¹

Dated this 25th day of January, 2012.



UNITED STATES DISTRICT JUDGE

¹ Local Rule 5.5(c)(2) provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. *If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice.* Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure." (Emphasis added.)