

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

FLOYD L. FREEMAN
ADC #107506

PETITIONER

VS.

5:08CV00278 JMM/JTR

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner, an inmate at the Randall Williams Unit of the Arkansas Department of Correction, has filed a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Docket entry #1.) However, Petitioner has neither paid the \$5.00 filing fee nor filed an Application to Proceed *In Forma Pauperis*.

If Petitioner wishes to proceed with this action, he must either: (1) pay the \$5.00 filing fee in full;¹ or (2) file a properly completed Application to Proceed *In Forma Pauperis* along with a Prisoner Trust Fund Calculation Sheet.² Petitioner is hereby advised that the failure to timely and properly comply with this Order could result in the dismissal of this habeas action, without prejudice,

¹ Any payment Petitioner sends to the Court must clearly indicate that it is for payment of the filing fee in “*Freeman v. Norris*; 5:08CV00278 JMM/JTR.”

² The Prisoner Trust Fund Calculation Sheet must be prepared and signed by an authorized officer at the incarcerating facility.

pursuant to Local Rule 5.5(c)(2).³

IT IS THEREFORE ORDERED THAT:

1. The Clerk is directed to send Petitioner an Application to Proceed *In Forma Pauperis* along with a Prisoner Trust Fund Calculation Sheet (civil form AO240).
2. If Petitioner wishes to continue with this action, he must, **on or before December 8, 2008**, either: (1) pay the \$5.00 filing fee in full; or (2) file a properly completed Application to Proceed *In Forma Pauperis* along with a Prisoner Trust Fund Calculation Sheet.

Dated this 11th day of November, 2008.



UNITED STATES MAGISTRATE JUDGE

³ 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.)