

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

MICHAEL SHANE WILMOTH,  
ADC #105408

PETITIONER

5:10CV00266SWW/JTK

RAY HOBBS

RESPONDENT

ORDER

Plaintiff Michael Wilmoth has filed a complaint which has been designated as a civil rights complaint filed pursuant to 42 U.S.C. § 1983. However, after considering plaintiff's complaint, in which he seeks injunctive relief solely, in the form of reversal of a disciplinary conviction and his lost good time, the Court finds the complaint concerns the fact or length of his sentence. Therefore, the Court finds that this case should not be designated as a civil rights (555) action, but rather, as a habeas corpus petition, with his present custodian, Ray Hobbs, named as the appropriate respondent.

Plaintiff also is responsible for paying the \$5.00 filing fee for this action, or filing an application to proceed in forma pauperis. Accordingly,

IT IS, THEREFORE ORDERED that the Clerk is directed to change the designation of this case from 555 to 530.

IT IS FURTHER ORDERED that Plaintiff shall forward to the Clerk the \$5.00 filing fee, or an application to proceed in forma pauperis in this habeas action, within fifteen days of the date of this Order. The Clerk is directed to forward to the plaintiff an in forma pauperis application.

IT IS SO ORDERED this 8<sup>th</sup> day of September, 2010.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE