

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

BOBBY DON HENRY
ADC #112048

PETITIONER

V.

NO. 5:10-cv-00372 JLH-JWC

RAY HOBBS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner, a state prisoner proceeding *pro se*, brings this 28 U.S.C. § 2254 petition for writ of habeas corpus (doc. 1). The petition was not accompanied by the filing fee or an application to proceed *in forma pauperis*. The Clerk of the Court is directed to forward to Petitioner an *in forma pauperis* application. **Petitioner is directed to submit either the \$5.00 statutory filing fee or the completed *in forma pauperis* application within thirty (30) days of this order’s entry date.** If he wishes to proceed *in forma pauperis*, he must sign and complete the application, **fully answering every question.** An authorized official at the Arkansas Department of Correction is directed, upon Petitioner’s request, to complete and sign the certificate portion of his *in forma pauperis* application.

Petitioner is warned that his failure to make a timely and complete response to this Court’s order will result in a recommended dismissal of this action without prejudice.¹ See

¹Petitioner is hereby notified of his responsibility to comply with Local Rule 5.5(c)(2) of the Rules of the United States District Court for the Eastern District of Arkansas, which provides: “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.”

Rule 3(a), Rules Governing § 2254 Cases in United States District Courts (habeas petition “must be accompanied” by filing fee or motion to proceed *in forma pauperis*, along with the necessary affidavits).

IT IS SO ORDERED this 3rd day of January, 2011.


UNITED STATES MAGISTRATE JUDGE