

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

**MICHAEL BENJAMIN  
ADC #139727**

**PETITIONER**

**VS.**

**5:16-CV-00199-BRW**

**WENDY KELLY**

**RESPONDENT**

**ORDER**

I have reviewed the Proposed Findings and Recommended Disposition (“Recommendation”) submitted by United States Magistrate Judge Patricia S. Harris.<sup>1</sup> No objections have been filed and the time for doing so has passed.<sup>2</sup> After careful consideration, I adopt as my findings in all respects the Recommendation in its entirety.

Accordingly, Mr. Benjamin’s Petition for Habeas Corpus (Doc. No. 2) is DISMISSED without prejudice for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and failure to respond to a court order.

I certify that an *in forma pauperis* appeal taken from this order and the judgment dismissing this action would be frivolous and not taken in good faith.

IT IS SO ORDERED this 20th day of September, 2016.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> Doc. No. 6.

<sup>2</sup> The response was due September 16, 2016.