

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ELLIS TRICE

PLAINTIFF

v.

Civil No. 11- 2158

STATE OF ARKANSAS

DEFENDANT

ORDER

Ellis Trice, a prisoner of the Arkansas Department of Correction, Delta Regional Unit, Dermott, Arkansas, submitted a petition for writ of habeas corpus under 28 U.S.C. section 2254 for filing in this district. Petitioner did not submit a filing fee or an application to proceed *in forma pauperis* in this matter.

The Clerk of Court is **DIRECTED** to provisionally file the petition *nunc pro tunc* as of August 5, 2011. The Clerk is **FURTHER DIRECTED** to provide to Petitioner a blank application to proceed *in forma pauperis*.

IT IS HEREBY ORDERED that Petitioner shall complete and return the application to proceed *in forma pauperis* or pay the filing fee for this action on or before **September 19, 2011**. Failure to return a completed application or to pay the filing fee will result in the dismissal of this matter.

FURTHERMORE, Petitioner has named Pulaski County as the respondent in his petition. However, the petition concerns Petitioner's criminal conviction in the Crawford County Circuit Court. As Petitioner is challenging a state conviction and is held by the state of Arkansas in the Arkansas Department of Correction, the Clerk is directed to substitute the State of Arkansas as the respondent in the case.

IT IS SO ORDERED this 22th day of August 2011.



HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

AUG 22 2011

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk