

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

BRANDON MITCHELL LAYTON

PETITIONER

v.

Civil No. ~~07-5014~~ 07-5014

LARRY NORRIS, Director, Arkansas
Department of Correction


RESPONDENT

ORDER

Brandon Mitchell Layton has submitted for filing in this district a petition for habeas corpus under 28 U.S.C. § 2254. We find the petition should be provisionally filed prior to a determination regarding plaintiff's status as a pauper and service of process. The United States District Clerk is directed to file the petition.

Layton has failed to pay the \$5.00 filing fee or submit a completed application to proceed *in forma pauperis* (IFP). **The clerk is directed to mail Layton an application to proceed IFP.** Layton is given until **February 9, 2007**, to pay the \$5.00 filing fee or submit the completed IFP application to the court for filing and review. Layton is advised that if he fails to submit the filing fee or the completed IFP application by February 9, 2007, this action may become subject to dismissal for failure to obey an order of the court and failure to prosecute the case.

IT IS SO ORDERED this 10 day of January 2007.


HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

JAN 17 2007

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CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK