

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SCOTT DEWITT HOWELL,

Petitioner,

v.

CASE NO. 6:06-cv-876-Orl-31KRS

JAMES R. MCDONOUGH, et al.,

Respondents.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This case is before the Court on Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Doc. No. 1, filed June 27, 2006). Petitioner did not pay the filing fee or submit an Affidavit of Indigency or other application to proceed in forma pauperis, as required by Local Rule 1.03(e).¹ Accordingly, it is

ORDERED:

1. Petitioner's petition for writ of habeas corpus is **DISMISSED without prejudice**. The Court notes, however, that the dismissal without prejudice does not excuse Petitioner from the one year period of limitation for filing a habeas corpus petition in the federal courts. *See* 28 U.S.C. § 2244(d).

2. The Clerk of the Court is directed to close this case.

¹Local Rule 1.03(e) states that "[t]he Clerk shall accept for filing all prisoner cases filed with or without the required filing fee or application to proceed in forma pauperis. However, a prisoner case will be subject to dismissal by the Court, sua sponte, if the filing fee is not paid or if the application is not filed within 30 days of the commencement of the action."

DONE AND ORDERED at Orlando, Florida, this 31st day of July, 2006.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies to:
sa 7/31
Scott Dewitt Howell