

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

LARRY PORTER,

Petitioner,

v.

CASE NO. 1:08-cv-233-MP-AK

WALTER A. MCNEIL,<sup>1</sup>

Respondent.

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**ORDER**

This matter is before the Court on Doc. 1, Petition for Writ of Habeas Corpus, filed by Melvin Perez. Petitioner has not, however, paid the \$5.00 filing fee or filed a motion for leave to proceed *in forma pauperis*. Therefore, consideration of the petition will be deferred until payment is received or IFP is granted.

Accordingly, it is ORDERED:

That Walter McNeil is **SUBSTITUTED** for the State of Florida as the proper respondent;

That the Clerk shall forward to Petitioner an application for leave to proceed *in forma pauperis*; and he shall have until **December 15, 2008**, to either file an application for leave to proceed *in forma pauperis* or pay the \$5.00 filing fee;

**That failure to respond to this order as instructed will result in a recommendation of dismissal of this action for failure to prosecute and failure to comply with an order of this court.**

**DONE AND ORDERED** this 12<sup>th</sup> day of November, 2008.

***s/ A. KORNBLUM***

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**ALLAN KORNBLUM**

**UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup>Petitioner's custodian, Walter McNeil, the Secretary of the Florida Department of Corrections, is the proper respondent in this habeas matter and will therefore will be substituted in place of the State of Florida.