

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

TIMOTHY A. HOLMES,  
Petitioner,

vs.

Case No. 3:09cv64/RV/EMT

WALTER A. McNEIL,  
Respondent.

---

**ORDER**

This cause is before the court upon Petitioner's filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The court notes that Petitioner has neither applied for leave to proceed in forma pauperis nor paid the filing fee. Before this matter may proceed, Petitioner must either pay the filing fee or obtain leave to proceed in forma pauperis by filing a fully and properly completed application and attachments.

Accordingly, it is **ORDERED**:

1. The clerk is directed to send to Petitioner an application to proceed in forma pauperis.
2. Within **THIRTY (30) DAYS** from the date of docketing of this order, Petitioner shall either pay the filing fee of \$5.00 or submit a fully completed application to proceed in forma pauperis.
3. Petitioner's failure to comply with this order may result in a recommendation of dismissal of this action for failure to comply with an order of the court.

**DONE AND ORDERED** this 24<sup>th</sup> day of February 2009.

*/s/ Elizabeth M. Timothy*

**ELIZABETH M. TIMOTHY**

**UNITED STATES MAGISTRATE JUDGE**