

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

CANTON OMAR DISMUKES,  
Petitioner,

vs.

CASE NO.: 3:10cv295/MCR/MD

WALTER A. MCNEIL,  
Respondent.

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**ORDER**

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1). Contrary to 28 U.S.C. § 2242 and the directions on the petition form, the petition does not name as respondent the person who has custody over petitioner; rather, it names "Bill McCullum, Florida." (Doc. 1, p. 1). As the appropriate official is the Secretary of the Florida Department of Corrections, Walter A. McNeil, he shall be substituted as respondent in this cause, as the court has already done in the caption of this order. With that correction, the petition appears to be in the proper form; however, petitioner has not provided the court with service copies of his petition. Petitioner must submit two identical service copies: one for the respondent and one for the Attorney General of the State of Florida. The court cannot make copies for the petitioner, unless he submits payment in the amount of \$.50 per page, prepaid, to the Clerk of this court.

Additionally, petitioner has neither paid the \$5.00 filing fee nor applied for leave to proceed *in forma pauperis*. Petitioner's case cannot proceed until he either pays the filing fee or files a complete application for leave to proceed *in forma pauperis*. A complete application includes a motion with supporting affidavit, a prisoner consent form and a financial certificate with account attachments (a printout of the transactions in petitioner's inmate trust account for the six-month period immediately preceding the filing of his petition).

Accordingly, it is ORDERED:

1. Walter A. McNeil, as Secretary for the Florida Department of Corrections, is hereby substituted as the respondent in this action. The Clerk shall change the docket to so reflect.

2. The Clerk shall forward to the petitioner a form application for leave to proceed *in forma pauperis*. This case number shall be written on the form.

3. Within **twenty-eight (28) days** of the date of this order, petitioner shall either pay the \$5.00 filing fee in full, or submit a complete application for leave to proceed *in forma pauperis*.

4. Within the same time period, petitioner shall either: (1) provide two identical service copies of his petition, or (2) submit payment in the amount of \$8.00 to the Clerk of Court for the cost of copying his 8-page petition.

5. Petitioner's failure to comply with this order as instructed will result in a recommendation to the District Court that this case be dismissed for failure to comply with an order of the court.

DONE AND ORDERED this 26<sup>th</sup> day of August, 2010.

/s/ *Miles Davis*

**MILES DAVIS  
UNITED STATES MAGISTRATE JUDGE**