

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

BRIAN CLARKE,

Petitioner,

v.

CASE NO. 5:09-cv-00382-RH-AK

FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.
_____ /

ORDER

This matter is before the Court on Doc. 1, Petition for Writ of Habeas Corpus, filed by Brian Clarke. 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 the Clerk shall forward to Petitioner an application for leave to proceed *in forma pauperis*;

That Petitioner shall have until **January 7, 2010**, 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 8th day of December, 2009.

s/ A. KORNBLUM

**ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE**