

IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF GEORGIA  
 MACON DIVISION

FELONTAE SIMMONS,	:	
	:	
Petitioner	:	
	:	CIVIL ACTION NO. 5:10-CV-403 (MTT)
VS.	:	
	:	
BALDWIN COUNTY,	:	<b><u>ORDER</u></b>
	:	
Respondent	:	
_____	:	

Petitioner **FELONTAE SIMMONS**, an inmate at the Bleckley Probation Detention Center in Cochran, Georgia, filed a document entitled “Motion to Modify Actual time serve[d].” In this motion, he complained that when computing his sentence he was not given credit for the time he served in the Baldwin County Jail prior to his probation revocation hearing and transfer to the Bleckley Probation Detention Center.

The Court, therefore, construed the motion as a habeas corpus action brought pursuant to 28 U.S.C. § 2241. In an Order dated November 1, 2010, the Court informed petitioner that he had to complete the required habeas corpus form and pay the \$5.00 filing fee or, if unable to pay the fee, submit an application to proceed *in forma pauperis*. The Court gave petitioner until November 12, 2010 to submit the necessary paperwork and informed petitioner that failure to do so would result in immediate dismissal of his action.

Petitioner has failed to respond to the Court’s November 1, 2010 Order. Because of his failure to comply with the Court’s instructions, petitioner’s action is hereby **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED**, this 30<sup>th</sup> day of November, 2010.

S/ Marc T. Treadwell  
 MARC THOMAS TREADWELL, JUDGE  
 UNITED STATES DISTRICT COURT

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