

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

STEVEN SMITH,	:	
	:	
Petitioner	:	
	:	
VS.	:	
	:	CIVIL NO: 5:12-CV-0378-MTT-CHW
STATE OF GEORGIA,	:	
	:	PROCEEDINGS UNDER 28 U.S.C. 2254
Respondent	:	<u>BEFORE THE U.S. MAGISTRATE JUDGE</u>

ORDER

Petitioner **STEVEN SMITH**, an inmate at Macon State Prison in Oglethorpe, Georgia, has filed a *pro se* “Motion for U. S. District Court to Ministerially Act in the Process of Sovereign’s Release from Custody of the State of Georgia/Department of Corrections.” Because Petitioner was essentially requesting release from a state prison, the Court construed this “motion” to be a possible petition for writ of habeas corpus under 28 U.S.C. § 2254. Petitioner was thus ordered to complete a standard form petition and to either pay the \$5.00 filing fee or file an application requesting leave to proceed *in forma pauperis*. Petitioner was required to respond by November 8, 2012. This date has long since passed, and no response has been filed.

Petitioner’s failure to respond leads this Court to believe that he either is no longer interested pursuing this action or did not intend to file a habeas petition. The action is accordingly **DISMISSED** without prejudice.

SO ORDERED, this 4th day of February, 2013.

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

jlr