

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

MARCELINO SANCHEZ MATA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 317-042
	)	
STACEY N. STONE, Warden,	)	
	)	
Respondent.	)	

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**ORDER**

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Petitioner, an inmate at McRae Correctional Facility, in McRae, Georgia, filed the above-captioned petition pursuant to 28 U.S.C. § 2241 contesting the execution of his sentence of confinement, and he sought permission to proceed *in forma pauperis* (“IFP”). On July 31, 2017, the Court entered an Order denying without prejudice Petitioner’s incomplete motion to proceed IFP. (Doc. no. 4.) The Court additionally directed the Clerk of Court to attach a copy of the appropriate IFP paperwork to Petitioner’s service copy of the Order, with the requirement regarding submission of a prison account statement highlighted. (Id.)

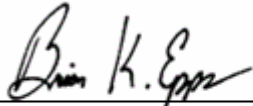
The Court cautioned Petitioner he must either pay the \$5.00 filing fee or submit a complete IFP, with supporting documentation, within twenty-one days, and failing to do so would result in a recommendation of dismissal. (Id. at 1-2). When the time to respond to the Court’s July 31st Order had passed and Petitioner had not submitted the filing fee or an updated IFP motion with supporting documentation, the Court recommended dismissal

without prejudice. (See doc. no. 6.) The deadline for objecting to the recommendation was September 25, 2017. (See doc. no. 7.)

In an untimely filing, Petitioner complains he never received the Court's July 31st Order denying his incomplete IFP motion and therefore objects to the recommendation for dismissal. (Doc. no. 8.) Notably, Petitioner did not submit the requisite supporting documentation or \$5.00 filing fee along with his untimely objection. Therefore, the case is still subject to dismissal.

Nevertheless, in an abundance of caution, the Court **VACATES** its September 8, 2017 Report and Recommendation, (doc. no. 6), and **DIRECTS** the Clerk to re-serve Petitioner with a copy of the July 31st Order and appropriately annotated IFP paperwork. (Doc. no. 4.) The deadline for paying the \$5.00 filing fee or submitting a complete IFP motion, with supporting documentation, is re-set to October 23, 2017. Failure to timely submit a complete IFP motion or the \$5.00 filing fee will result in dismissal of the case.

SO ORDERED this 10th day of October, 2017, at Augusta, Georgia.

  
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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA