

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ANDRE ALEXIS GOLDEN,)	
)	
Petitioner,)	
)	
v.)	Case No. CV408-195
)	
SHERIFF, <i>Chatham County</i> ,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

On October 2, 2008, petitioner's pleading was transferred to this district from the Northern District of Georgia. (Doc. 3.) Prior to its transfer, Golden's pleading had first been docketed by the Clerk as a 28 U.S.C. § 2241 petition; it was then converted by order of the court to a 28 U.S.C. § 2254 petition. (Id.) After reviewing the pleading, however, this Court expressed its uncertainty as to what type of claim petitioner sought to file. (Doc. 4 at 2.) As a result, in an Order entered November 12, 2008, the Court directed the Clerk to mail to petitioner the district's standard § 2254 petition, its §

1983 form complaint, and the form for requesting leave to proceed *in forma pauperis*. (Doc. 4 at 3.) Petitioner was advised that his failure to complete and return either the § 2254 petition or the § 1983 form complaint (along with either a motion to proceed *in forma pauperis* or the payment of the filing fee) within 30 days of the Order could result in the dismissal without prejudice of this action. (Id.)

Plaintiff has failed to return any of the provided forms. In addition, he has made no further filings in this case since submitting his complaint in the Northern District of Georgia on September 15, 2008. Accordingly, his complaint should be **DISMISSED** without prejudice for failure to prosecute.

SO REPORTED AND RECOMMENDED this 8th day of January, 2009.

/s/ G.R. SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA