

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION at ASHLAND

ROBERT S. VISINTINE,	)	
	)	
	)	Civil No. 17-080-HRW
Petitioner,	)	
	)	
v.	)	
	)	<b>ORDER</b>
THOMAS B. SMITH, Warden,	)	
	)	
Respondent.	)	

\*\*\*   \*\*\*   \*\*\*   \*\*\*

The petitioner in this action has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. [D.E. No. 1]. However, petitioner did not pay the \$5.00 filing fee required by 28 U.S.C. § 1914, nor was the petition filed on a form approved for use by this Court as required by Local Rule 5.2. The Court will therefore deny the petition without prejudice.

This case is now closed, and the petitioner cannot reopen this case by paying the \$5.00 fee that was previously due. However, the petitioner may file an entirely new case in compliance with the rules stated above. Appropriate forms may be obtained from the Clerk of the Court. If the petitioner chooses to file a new case, he must either (a) pay the \$5 filing fee at the time he files his petition or (b) send

with his petition a copy of the Form BP-199 he filed with the prison to request payment of the filing fee and so advise the Clerk of the Court at the time of filing.

Accordingly, it is **ORDERED** that the petition for a writ of habeas corpus [D.E. No. 1] is **DENIED WITHOUT PREJUDICE** and this matter is **STRICKEN** from the docket of the Court.

This the 4<sup>th</sup> day of August, 2017.



**Signed By:**

**Henry R. Wilhoit, Jr.**

**United States District Judge**