

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KELBY LETCHWORTH (#492692)

CIVIL ACTION

VERSUS

BURLE CAIN

NO. 12-0716-JJB-MJU

R U L I N G

On or about November 14, 2012, the pro se petitioner, an inmate confined at the Louisiana State Penitentiary ("LSP"), Angola, Louisiana, filed this proceeding, purportedly as a "Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254", complaining that he is being required to serve his criminal sentence, entered in the Parish of Jefferson Davis, State of Louisiana, without the benefit of good time accrual, notwithstanding that the sentencing court did not deny or condition the applicability of good time to his sentence.

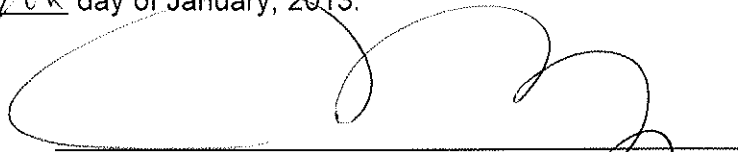
Pursuant to correspondence dated November 29, 2012, the petitioner was directed to resubmit his claim within twenty-one (21) days on a form for the assertion of claims brought pursuant to 28 U.S.C. § 2241. See rec.doc.no. 2. In addition, the petitioner was directed, within such time, to either pay the Court's filing fee in the amount of \$5.00 or submit a properly completed motion to proceed in forma pauperis herein. Id. The petitioner was specifically advised that "failure to amend the pleadings as indicated will result in the dismissal of your suit by the Court without further notice."

A review of the record by the Court now reflects that, despite notice and an opportunity to appear, the petitioner has failed to respond to the Court's directives. Therefore, the petitioner's action shall be dismissed, without prejudice, for failure to correct the deficiencies of which he was notified. Accordingly,

IT IS ORDERED that the above-captioned proceeding be **DISMISSED**, without prejudice.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, this 7th day of January, 2013.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE