

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NICHOLAS JERMAIN STEELE,	)	
	)	
Petitioner,	)	
	)	1:13CV57
v.	)	
	)	
ROY COOPER,	)	
	)	
Respondent.	)	

**ORDER AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court *sua sponte*. Petitioner filed this action under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. (Docket Entry 1.) Petitioner then filed an application to proceed *in forma pauperis*. (Docket Entry 2.) The court granted Petitioner’s request to proceed *in forma pauperis*, and ordered that this action be filed, but stayed to allow Petitioner time to either exhaust his state court remedies and submit an amended petition reflecting exhaustion, or to allow Petitioner to file an amended petition raising only claims for which he has already exhausted his state court remedies. (*See* Order, Docket Entry 5.) Petitioner was granted 90 days from this Order to notify the Court of the status of his attempts at exhaustion. Petitioner was forewarned that this action would be dismissed without prejudice for failure to comply with this Order in a timely manner.

To date, no filings have been submitted by Petitioner regarding the status of attempts at exhaustion of state court remedies, nor has Petitioner filed an amended petition raising only claims for which he has already exhausted. For these reasons, this action should be dismissed without prejudice.

**IT IS THEREFORE RECOMMENDED** that this action be dismissed without prejudice for Petitioner's failure to comply with the Court's prior Order.

The undersigned notes that Petitioner requests a copy of all docket entries regarding the action before the Court. Accordingly, **IT IS HEREBY ORDERED** that the Clerk send Petitioner a copy of the docket sheet in this matter.

This, the 4<sup>th</sup> day of June, 2013.

  
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Joe L. Webster  
United States Magistrate Judge