

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

David E. Mullinax,)	C/A No. 0:14-409-TMC-PJG
)	
Petitioner,)	
)	
v.)	ORDER
)	
Steve Loftis,)	
)	
Respondent.)	
)	

This is an action seeking habeas corpus relief under 28 U.S.C. § 2241. Petitioner is a prisoner. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) DSC, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

On February 26, 2014, the court issued an order directing Petitioner to provide documents necessary for initial review. (ECF No. 4.) Petitioner complied with the order and this case is now in proper form.

PAYMENT OF THE FILING FEE:

Petitioner requests to proceed without prepaying the filing fee by filing an Application to Proceed in District Court Without Prepaying Fees or Costs (Form AO-240), which is construed as a Motion for Leave to Proceed *in forma pauperis*. Based on a review of Petitioner's Motion for Leave to Proceed *in forma pauperis*, it is granted. (ECF No. 7.)

TO THE CLERK OF COURT:

The Clerk of Court shall not serve the § 2241 petition upon the Respondent because the petition is subject to dismissal.

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

May 14, 2014
Columbia, South Carolina