

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Billy Roy Boyd, # 349065,	)	C/A No. 1:12-201-TMC-SVH
	)	
Petitioner,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
<del>Alan Wilson,</del>	)	
Bernard McKie, <i>Warden of Kirkland Correctional Institution,</i>	)	
	)	
Respondent.	)	
_____	)	

This is an action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254. This matter is before the Court because of Petitioner’s failure to comply with the magistrate judge’s order (ECF No. 6) of February 3, 2012. A review of the record indicates that the magistrate judge ordered Petitioner to submit either of the two items needed to render this case into “proper form” within twenty-one (21) days, and that if he failed to do so, this case would be dismissed *without prejudice*. Specifically, the magistrate judge directed Petitioner to pay the five-dollar (\$5) filing fee *or* submit a Motion for Leave to Proceed *in forma pauperis* (Form AO 240). Plaintiff has failed to respond to the magistrate judge’s order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.\*

IT IS SO ORDERED.

	s/Timothy M. Cain
March 7, 2012	Timothy M. Cain
Greenville, South Carolina	United States District Judge

**NOTICE OF RIGHT TO APPEAL**

Petitioner is, hereby, notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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\*Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Petitioner wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).