

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Billy Roy Boyd, # 349065,)	C/A No. 1:12-201-TMC-SVH
)	
Petitioner,)	
)	
vs.)	
)	ORDER
Alan Wilson,)	
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.

*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).