

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Reginald M. Gilliam, # 240636, ) C/A No. 4:12-2914-RBH-TER  
Petitioner, )  
vs. )  
Leroy Cartledge, Warden, ) ORDER  
Respondent. )  
\_\_\_\_\_  
)

This is an action seeking habeas corpus relief under 28 U.S.C. § 2254. 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 Rule 73.02(B)(2), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By Order dated November 2, 2012, Petitioner was given a specific time frame in which to bring this case into proper form. Petitioner has complied with the court's Order, and this case is now in proper form.

Petitioner requested to proceed without prepaying the filing fee by filing an Application to Proceed without Prepayment of Fees and Affidavit (Form AO-240), which is construed as a Motion for Leave to Proceed *in forma pauperis*. Based on a review of the Motion, Petitioner's request to proceed *in forma pauperis* is **granted**.

**TO THE CLERK OF COURT:**

The Clerk of Court shall not serve the § 2254 Petition upon Respondent because the Petition is subject to dismissal.

**IT IS SO ORDERED.**

s/Thomas E. Rogers, III

Thomas E. Rogers, III

United States Magistrate Judge

December 19, 2012  
Florence, South Carolina