

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

Yolanda Thompson,)	C/A No. 5:12-1952-GRA-KDW
)	
Petitioner,)	
)	
vs.)	
)	ORDER
Superintendent, Leath Correctional Institution; State of SC,)	
)	
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 Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. By Order dated August 21, 2012, ECF No. 9, Petitioner was given a specific time frame in which to bring this case into proper form, and was directed to submit Petitioner's Answers to the Court's Special Interrogatories, ECF No. 13. Petitioner has substantially complied with the court's Order and this case is now in proper form.

PAYMENT OF THE FILING FEE:

Petitioner has submitted a copy of her inmate trust fund account withdrawal request, indicating that she has authorized the South Carolina Department of Corrections to withdraw the \$5 habeas filing fee from Petitioner's account and to issue a \$5 check to the Clerk of Court for payment of the filing fee. *See* ECF No. 12-2.

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.



September 25, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge