

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Darnell Lee Harper, #307605,)	C/A No.: 9:13-2897-TMC
)	
Petitioner,)	
)	
v.)	
)	Order
South Carolina Department of Corrections,)	
)	
Respondent.)	

On October 23, 2013, Petitioner, a prisoner proceeding *pro se*, filed this habeas action pursuant to 28 U.S.C. § 2254. (ECF No. 1). On November 21, 2013, the magistrate judge entered an order requiring Petitioner to bring his case into proper form by December 16, 2013. (ECF No. 5). Receiving no response from Petitioner, on December 30, 2013, the court dismissed this action pursuant to Fed.R.Civ.P. 41, for failure to comply with the magistrate judge’s order. (ECF No. 9).

On January 27, 2014, Petitioner contacted the Clerk of Court’s office via letter advising that he never received the Magistrate Judge’s Order. (ECF No. 12). Both orders in this matter were sent to the address provided by Petitioner. However, in light of Petitioner’s claim that he did not receive the magistrate judge’s order, the Order dismissing this case (ECF No. 9) is **VACATED**. The Clerk of Court shall reopen the file, resend a copy of the proper form Order to the Petitioner at the McBee address, and reset Petitioner’s deadline for compliance with the Magistrate Judge’s Order.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 6, 2014
Anderson, South Carolina