

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE**

FRED L. VITTATOE, )

*Petitioner,* )

v. )

CHRIS MATHES, Sheriff, )

*Respondent.* )

No.: 2:14-cv-230-RLJ

**MEMORANDUM AND ORDER**

Fred L. Vittatoe, a prisoner in the Carter County Detention Center, filed what was deemed to be a *pro se* application for a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1). However, because the petitioner failed to pay the \$5.00 filing fee or seek *in forma pauperis* status, the Court entered a Deficiency Order advising that he must either pay the fee or move to proceed *in forma pauperis* and also warning him that, unless he paid the fee or filed the motion within thirty (30) days, the Court would assume that he did not wish to proceed in the matter and would dismiss his case without prejudice (Doc. 2).


More than thirty days have passed, and petitioner has failed to submit either the filing fee or a completed *in forma pauperis* application, as he was instructed to do, or otherwise respond to the February 22, 2015 Order.

Accordingly, the Court assumes that petitioner has no desire to proceed in this habeas corpus case and will **DISMISS** his petition without prejudice for want of prosecution. *See* Fed. R. Civ. P. 41(b).

Finally, the Court concludes that petitioner has failed to make a substantial showing of the denial of a constitutional right because jurists of reason would not disagree about the correctness of this procedural ruling. *See Slack v. McDaniel*, 529 U.S. 473 (2000); *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001); *Porterfield v. Bell*, 258 F.3d 484, 487 (6th Cir. 2001). Thus, the Court will also **DENY** issuance of a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

A separate judgment will enter.

**ENTER:**

  
LEON JORDAN  
UNITED STATES DISTRICT JUDGE