

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:10-CT-3123-BO

SHAUN ANTONIO HAYDEN,  
Plaintiff,

v.


ALVIN KELLER, et al.,  
Defendant.

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ORDER

Plaintiff, a state inmate, originally brought this action by filing the complaint on 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), forms. On April 13, 2011, the court entered an order to provide clarification in the matter. Plaintiff timely replied, and this matter shall proceed as a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Plaintiff has satisfied the filing fee of \$ 5.00, and as stated in the prior order plaintiff is relieved from payment of the required \$ 350.00 filing fee of a civil action. 28 U.S.C. § 1914(a). Therefore, the filing fee order (D.E. # 3) requiring \$350.00 is VACATED and the monies collected, with the exception of the \$ 5.00 filing fee for this case, shall be returned to him. Furthermore, this case is dismissed without prejudice, and in its place the Clerk is DIRECTED to opened a case in habeas with a filing date of July 15, 2010. The Clerk is to continue management of the action.

SO ORDERED, this 9 day of March 2012.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE