

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LAVON HEATH,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:07-CV-255-WKW
)	[WO]
)	
)	
DARLEN E A. DREW,)	
)	
Respondent.)	

ORDER ON MOTION

It is a rule of this court that if, after considering a prisoner’s affidavit for *in forma pauperis* treatment, it is determined that the prisoner is financially able to pay the appropriate filing fee, he must do so.

Upon consideration of the fact that the petitioner earns approximately \$35 per month, it is the opinion of the Magistrate Judge that the petitioner is able to pay the \$5.00 filing fee. Accordingly, it is

ORDERED that on or April 10, 2007 the petitioner shall forward to the Clerk of this Court the \$5.00 filing fee. It is further

ORDERED that except to the extent that payment is required under this order the petitioner's motion for leave to proceed *in forma pauperis* is hereby GRANTED.

The petitioner is cautioned that if he fails to comply with this order the Magistrate Judge will recommend that his petition be dismissed.

Done this 27th day of March, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE