

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

MICHAEL C. STEWART, # 174305,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:11cv1009-TMH
)	(WO)
TONY PATTERSON, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

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 Petitioner had an available balance of \$146.64 in his prison account at the time he filed this petition for habeas corpus relief, it is the opinion of the Magistrate Judge that Petitioner is able to pay the applicable \$5.00 filing fee.

Accordingly, it is ORDERED that:

1. On or before December 21, 2011, Petitioner shall forward to the Clerk of the Court the \$5.00 filing fee; and
2. Except to the extent that payment is required under this order, Petitioner’s motion for leave to proceed *in forma pauperis* (Doc. No. 2) is GRANTED. Petitioner is cautioned that his failure to comply with this order will result in a Recommendation by the undersigned

that the instant petition be dismissed.

Done this 30th day of November, 2011.

/s/ Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE