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

JOHN MARK WHITTEN, #179726,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 3:09-CV-201-TMH
	)	[WO]
	)	
	)	
FREDDIE BUTLER, et al.,	)	
	)	
Respondents.	)	

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 had $832.61 in his prison account at the time he filed this petition, 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 March 25, 2009 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 10th day of March, 2009.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE

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