

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

CHESTER WHITLEY, #128332,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 3:11-CV-396-TMH
)	[WO]
)	
)	
TONY PATTERSON, et al.,)	
)	
Respondents.)	

ORDER ON MOTION

It is a standing 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 \$68.07 in his prison account at the time he filed this habeas 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 June 10, 2011 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 May, 2011.

_____/s/ Charles S. Coody_____
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE