

**IN THE UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF ARKANSAS
ELDORADO DIVISION**

RICKY MCCOY, #38667-048

PETITIONER

v.

Case No. 07-1038

PAUL KASTNER, Warden, F.C. I.
Texarkana, Texas, and
DUSTIN McDANIEL, Attorney
General for the State of Arkansas¹

RESPONDENTS

ORDER

Came on for consideration RICKY McCOY's Petition for Writ of Habeas Corpus pursuant Title 28 U.S.C. §2254, and Petitioner's Application to Proceed Without Prepayment of Fees. Having reviewed the Petition and the Application, the Court is of the opinion that the Petitioner should be allowed to proceed *in forma pauperis*.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus be filed *nunc pro tunc* as of March 29, 2007, and further the Application to Proceed Without Prepayment of Fees is **GRANTED**, and Petitioner is allowed to proceed *in forma pauperis*.

IT IS FURTHER ORDERED, the United States Marshal is directed to serve a copy of the petition on the Respondents, Paul Kastner, Warden of the Federal Correctional Institute, Texarkana, Texas, and Dustin McDaniel, the Attorney General of the State of Arkansas, without prepayment of fees and costs or security therefor. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, Respondents, are ordered to respond to the petition within twenty (20) days from the date of service.

SIGNED this 30th day of April, 2007.

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

MAY 6 7 2007

CHRIS F. JOHNSON, CLERK


HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE

¹Rule 2(b) of the Rules Governing Section 2254 Cases requires that the Attorney General of the state imposing the judgment at issue be named as a respondent.