

1  
2  
3  
4  
5  
6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA  
8

9 MARIO A. MELCHIONNE,

1:08-cv-00116 OWW-DLB (HC)

10 Petitioner,  
11 vs.

ORDER DENYING MOTION TO  
PROCEED IN FORMA PAUPERIS

12 JAMES TILTON,

(DOCUMENT #4)

13 Respondent.  
14 \_\_\_\_\_/

15 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus  
pursuant to 28 U.S.C. § 2254.

16 On January 28, 2008, Petitioner filed an Application to Proceed In Forma Pauperis and a  
17 certified copy of his prison trust account statement. Examination of these documents reveals that  
18 Petitioner is able to afford the costs of this action. Specifically, six months prior to filing, Petitioner  
19 has had an average balance of approximately \$96.22 in his account. His current balance is \$577.33.

20 Accordingly, the motion to proceed in forma pauperis is DENIED (see 28 U.S.C. § 1915).  
21 Petitioner is ORDERED to pay the five dollar (\$5.00) filing fee within thirty (30) days of the date of  
22 service of this order. Failure to follow this order may result in a recommendation that the Petition be  
23 dismissed pursuant to Local Rule 11-110.

24 IT IS SO ORDERED.

25 **Dated: February 5, 2008**

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE