

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01548-BNB

CHARLES WAYNE BUCKALOO,

Applicant,

v.

OKLAHOMA DEPT. OF CORRECTIONS/SPECIAL SERVICE DIVISION, and
PAROLE BOARD,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 03 2007

GREGORY C. LANGHAM
CLERK

ORDER VACATING ORDER DENYING APPLICANT
LEAVE TO PROCEED ***IN FORMA PAUPERIS***

Applicant, Charles Wayne Buckaloo, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He filed *pro se* a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

In an order filed on July 23, 2007, the Court denied Mr. Buckaloo leave to proceed pursuant to 28 U.S.C. § 1915 because the copy of his inmate trust fund account statement showed that he had \$390.70 in the account. Therefore, the Court found that he had sufficient assets to pay the \$5.00 filing fee and did not qualify to commence this action without prepayment of fees or security pursuant to § 1915.

On July 30, 2007, Mr. Buckaloo submitted to and filed with the Court a document titled "Response to Order Denying Applicant's Leave to Proceed In Forma Pauperis." In the response, Mr. Buckaloo contends, and the account statement shows, that the \$390.70 in his account is a debt encumbrance. Mr. Buckaloo asserts that the funds are earmarked to pay an institutional fine assessed against him for a rule infraction. Therefore, the July 23, 2007, order denying Mr. Buckaloo's *in forma pauperis* motion will be vacated. Mr. Buckaloo will be granted leave to proceed pursuant to 28 U.S.C. § 1915. Accordingly, it is


ORDERED that the order filed on July 23, 2007, denying Plaintiff leave to proceed pursuant to § 1915 is vacated. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action is granted. It is

FURTHER ORDERED that process shall not issue until further order of the Court.

DATED at Denver, Colorado, this 2 day of Aug., 2007.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 07-cv-01548-BNB

Charles W. Buckaloo
Reg. No. 40837-115
ADX - Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 8/3/7

GREGORY C. LANGHAM, CLERK

By: _____

Angie

Deputy Clerk