

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02334-BNB

CLINTON T. ELDRIDGE,

Applicant,

v.

D. BERKEBILE, Warden,

Respondent.

ORDER DENYING MOTION TO RECONSIDER

Applicant, Clinton T. Eldridge, is a prisoner in the custody of the Federal Bureau of Prisons at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He submitted *pro se* an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action (ECF No. 2).

On August 25, 2014, the Court denied Mr. Eldridge leave to proceed *in forma pauperis* pursuant to § 1915 because he had an available balance of \$76.81 in his prison account as of June 23, 2014. In the same order, the Court directed him to pay within thirty days the \$5.00 filing fee required pursuant to 28 U.S.C. § 1914 if he wished to pursue his claim in this action. On September 2, 2014, instead of paying the \$5.00 filing fee, Mr. Eldridge filed a motion titled "Motion for Reconsideration of the Court's Order to Allow Petitioner to Proceed in the Above Case Pursuant to 28 U.S.C. § 1915" (ECF No. 6).

In the motion for reconsideration, Mr. Eldridge fails to provide an updated certificate of the warden indicating the amount of money on deposit in his inmate trust

fund account and demonstrating that he is unable to pay the \$5.00 filing fee. Therefore, the motion for reconsideration will be denied. Instead, Mr. Eldridge alleges that he needs an order from this Court so that the BOP will issue a money order to pay the \$5.00 filing fee. Mr. Eldridge may consider this to be the order he alleges he requires for the BOP to issue the \$5.00 money order to pay the filing fee for this action.

Accordingly, it is

ORDERED that the motion titled "Motion for Reconsideration of the Court's Order to Allow Petitioner to Proceed in the Above Case Pursuant to 28 U.S.C. § 1915" (ECF No. 6) that Plaintiff, Clinton T. Eldridge, filed on September 2, 2014, is denied. It is

FURTHER ORDERED that Applicant shall pay the full **\$5.00** filing fee **within thirty (30) days from the date of this order** if he wishes to pursue his claims in this action. It is

FURTHER ORDERED that if Applicant fails to pay the \$5.00 filing fee within the time allowed the action will be dismissed without further notice.

DATED at Denver, Colorado, this 8th day of September, 2014.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court