

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JASON WAYNE OWENS,
Petitioner,

vs.

Case No. 3:09cv465/MCR/EMT

WALTER A. McNEIL,
Respondent.

_____ /

ORDER

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, as well as a motion to proceed in forma pauperis, with an attached printout of the activity in his inmate account for the six-month period preceding the filing of the petition (Docs. 1, 10). From a review of the inmate bank account records, Petitioner had an average monthly amount of \$35.00 deposited into his prison account. Therefore, Petitioner shall be required to pay the \$5.00 filing fee.

Accordingly, it is **ORDERED**:

1. Petitioner's application to proceed in forma pauperis (Doc. 10) is **DENIED**. Petitioner shall submit a payment of \$5.00 to the clerk of this court within **THIRTY (30) DAYS** from the date of docketing of this order. The check should be made payable to "Clerk, U. S. District Court."

2. Failure of Petitioner to either submit this amount or explain his inability to do so may result in a recommendation that this case be dismissed.

DONE AND ORDERED this 7th day of December 2009.

/s/ Elizabeth M. Timothy _____

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE