

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

CHRISTOPHER CHAMBERS,
Petitioner,

vs.

CASE NO.: 4:08cv374/SPM/MD

WALTER A. MCNEIL,
Respondent.

O R D E R

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 (doc. 1) and a motion to proceed *in forma pauperis* (doc. 2). Contrary to 28 U.S.C. § 2242, the petition does not name as respondent the person who has custody over petitioner; rather, it names "State of Florida." (Doc. 1, p. 1). As the appropriate official is the Secretary of the Florida Department of Corrections, Walter A. McNeil, he shall be substituted as respondent in this cause, as the court has already done in the caption of this order. With that correction, the petition appears to be in the proper form; however, petitioner provided the court with only one service copy of his petition. Petitioner must submit a copy for the named respondent and one for the Attorney General of the State of Florida. The court cannot make copies for the petitioner, unless he submits payment in the amount of \$.50 per page, prepaid, to the clerk of this court.

With regard to petitioner's motion to proceed *in forma pauperis*, a review of petitioner's inmate trust account statement shows that although his account balance at the time of filing this action was \$0.01, the average of his monthly deposits for the six-month period preceding the filing of his petition was \$31.67. As the filing fee for a petition for writ of habeas corpus is only \$5.00, petitioner will be required to pay the fee.

Accordingly, it is ORDERED:

1. Walter A. McNeil, as Secretary of the Florida Department of Corrections, is

hereby substituted as the respondent in this action, and the clerk shall change the docket to so reflect.

2. Within **thirty (30) days** from the date of this order, petitioner shall either: (1) provide one identical service copy of his petition, including attachments, or (2) submit payment in the amount of \$7.50 to the Clerk of Court for the cost of copying his 15-page petition and attachments.

3. Petitioner's motion to proceed *in forma pauperis* (doc. 2) is DENIED. Within **thirty (30) days** from the date of this order, petitioner shall submit a payment of \$5.00 to the Clerk of Court. The check should be made payable to "Clerk, U. S. District Court."

4. Petitioner's failure to comply with the foregoing may result in a recommendation to the District Court that this case be dismissed.

DONE AND ORDERED this 15th day of September, 2008.

/s/ *Miles Davis*
MILES DAVIS
UNITED STATES MAGISTRATE JUDGE