

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

CHRISTOPHER DONALD MCELWEE,

Petitioner,

vs.

5:08cv158-RS/AK

BUREAU OF PRISONS,

Respondent.

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**ORDER**

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and a motion for leave to proceed *in forma pauperis*. Docs. 1 & 12. A review of Petitioner's inmate account statement reveals that he has the funds to pay the \$5.00 filing fee, in that his present account balance, his average monthly balance, and his average monthly deposits exceed \$25.00 per month. Further review of Petitioner's petition will be deferred until the \$5.00 filing fee is paid.

Accordingly, it is **ORDERED**:

1. Petitioner's motion to proceed *in forma pauperis*, Document 12, is hereby

**DENIED.**

2. Petitioner shall have until **October 20, 2008**, to submit the \$5.00 filing fee to the Clerk of Court.

3. **Failure to respond to this order as instructed will result in a recommendation of dismissal of this action for failure to prosecute and failure to comply with an order of this Court.**

**DONE AND ORDERED** this 19th day of September, 2008.

**S/A.Kornblum  
ALLAN KORNBLUM  
UNITED STATES MAGISTRATE JUDGE**