

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

JOSEPH MCCLAIN, JR.,
Petitioner,

vs.

5:09cv248/RS/MD

C. ECHENLAUB,
Respondent.

ORDER

This cause is before the court upon the petition for writ of habeas corpus filed by petitioner under 28 U.S.C. § 2241. (Doc. 1). Petitioner has neither paid the \$5.00 filing fee nor applied for leave to proceed *in forma pauperis*. Petitioner's case cannot proceed until he either pays the filing fee or files a complete application for leave to proceed *in forma pauperis*. A complete application includes a motion with supporting affidavit, a prisoner consent form and a financial certificate with account attachments (a printout of the transactions in petitioner's inmate trust account for the past six months).

Additionally, petitioner has failed to submit service copies of his petition. A total of two copies must be submitted in this case, which includes one for the respondent and one for the United States Attorney for this district. 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.

Accordingly, it is ORDERED:

1. The clerk is directed to forward to the petitioner a form application to proceed *in forma pauperis*. This case number should be written on the form.
2. Within **thirty (30) days** of the date of this order, petitioner shall either pay the \$5.00 filing fee in full, or submit a complete application for leave to proceed *in forma pauperis*.

3. Within **the same time period**, petitioner shall submit two identical service copies of his petition and attachments. This case number should be written on the copies.

4. Failure to comply with this order may result in a recommendation to the district court that this case be dismissed for failure to prosecute and failure to comply with an order of the court.

DONE AND ORDERED this 14th day of August, 2009.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**