

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

JAMES ALEXANDER SMITH,
Petitioner,

vs.

Case No.: 5:10cv85/LAC/EMT

UNITED STATES OF AMERICA
_____ /

ORDER

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and a motion to proceed in forma pauperis (Docs. 3, 4). From a review of the inmate bank account records, Petitioner had an average monthly amount of \$72.50 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. 4) is **DENIED**.
2. Within **THIRTY (30) DAYS** from the date of docketing of this order, Petitioner shall submit payment of \$5.00 to the clerk of this court. The check should be made payable to "Clerk, U.S. District Court." 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 24th day of May 2010.

/s/ Elizabeth M. Timothy _____

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE