

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

GEORGE W. BANKS,

Petitioner

VS.

CALVIN MORTON,

Respondent

NO. 5:06-CV-167 (DF)

PROCEEDINGS UNDER 28 U.S.C. § 2254
BEFORE THE U. S. MAGISTRATE JUDGE

ORDER

Petitioner **GEORGE W. BANKS** has moved this Court to allow him to proceed *in forma pauperis* in the above-captioned proceeding brought under the provisions of 28 U.S.C. §2254. However, a review of the certificate from prison authorities reveals that petitioner has an average monthly balance for the last six (6) months of \$61.10 in his prisoner account. The filing fee required in a § 2254 case is \$5.00. The Court finds that petitioner has the financial ability to pay this amount.

Accordingly, petitioner's application herein to proceed *in forma pauperis* is **DENIED**. Petitioner shall have until **JUNE 19, 2006** to pay the required \$5.00 filing fee. Failure to comply with this Order shall result in the dismissal of petitioner's application. There shall be **NO SERVICE** of process in this case until further order of the Court.

SO ORDERED, this 19th day of May, 2006



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE