

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

STANLEY CATCHINGS,)
)
Petitioner,)
)
v.)
)
KESS ROBERSON, *Warden, Lincoln*)
Correctional Center,)
)
Respondent.)

Case No. 14-cv-1081

ORDER & OPINION

This matter is before the Court on Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) and Motion to Proceed in forma pauperis (Doc. 2). For the reasons stated below, Petitioner’s Motion is denied and Petitioner will be ordered to pay the filing fee before this matter proceeds.

MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner filed a Motion to Proceed in forma pauperis concurrently with his § 2254 Petition. (Doc. 2). He asserts in his Motion that he is employed and has very few assets. (Doc. 2 at 1). The trust fund account ledgers received by the Court show that Petitioner regularly has a low balance in his account, but that he receives a payroll deposit of between \$10.00 and \$15.00 once a month plus sporadic deposits from people outside the prison sometimes as much as \$190.00. (*E.g.*, Doc. 3). The most recent information available to the Court shows a balance of \$314.66 on February 18, 2014. (Doc. 3). Accordingly, it is clear that Petitioner is able to pay the five dollar filing fee for his habeas Petition, and he is not entitled to proceed in

forma pauperis. Petitioner must pay the filing fee to proceed with his Petition. The initial Rule 4 assessment of his Petition will be completed after the fee is received. Failure to pay the filing fee will result in the Petition being dismissed with prejudice for failure to prosecute.

IT IS THEREFORE ORDERED that Petitioner's Motion for Leave to Proceed in forma pauperis (Doc. 2) is DENIED. Petitioner SHALL pay the five dollar filing fee within twenty-eight days of the date of this Order, or he will face dismissal of his Petition for failure to prosecute.

Entered this 10th day of March, 2014.

s/ Joe B. McDade

JOE BILLY McDADE
United States Senior District Judge