

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TOD A. PABST,

Petitioner,

vs.

Case No. 08-3258-SAC

DAVID MCKUNE, Warden Lansing
Correctional Facility, and
STEPHEN SIX, Kansas Attorney General,

Respondents.

MEMORANDUM AND ORDER

The court hereby amends its September 8, 2010 Memorandum and Order (Dk. 22) to correct its error in the stated filing fee, and its resulting rulings, as follows:

1) by striking the entire paragraph on page 27 under "IFP Motion (Dk 2)," including its footnote (n. 10), and by substituting the following ruling in lieu thereof:

Petitioner filed a motion to proceed in forma pauperis, and timely supplemented it, as directed by the court, with his certified financial statement from his institution. Having reviewed petitioner's documents, the court finds that the petitioner is able to pay the \$5.00 filing fee, so denies his motion for leave to proceed in forma pauperis. Petitioner is ordered to pay the full filing fee no later than October 10, 2010.

2) by striking its order on page 27 regarding petitioner's motion for leave to proceed in forma pauperis, and by substituting the following order in lieu thereof:

IT IS THEREFORE ORDERED that petitioner's motion for leave to proceed in forma pauperis (Dk. 2) is denied. Petitioner shall pay the \$5.00 filing

fee in full no later than October 10, 2010.

The Court sees no need to alter the judgment (Dk. 23) entered on September 8, 2010.

SO ORDERED.

Dated this 9th day of September, 2010, at Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge