

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN
CIVIL ACTION NO. 1:11CV-P145-M

RUSSELL G. FARMER

PETITIONER

v.

RANDY WHITE

RESPONDENT

MEMORANDUM OPINION

The petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (DN 1). He also filed an application to proceed without prepayment of fees. A review of the application and the inmate trust account statement from the prison revealed that during the six months prior to the filing of this action approximately \$1,174.30 had been deposited into the petitioner's inmate trust account. Based on a review of the petitioner's application, the Court concluded that the petitioner had the ability to pay the \$5.00 filing fee. By Order entered October 7, 2011, the Court directed the petitioner to tender the \$5.00 filing fee to the Clerk of this Court within **28 days** from entry of the Order. The petitioner was warned that failure to tender the \$5.00 filing fee within the time allowed would result in dismissal of this action.

Although federal courts afford *pro se* litigants some leniency on matters that require legal sophistication, such as formal pleading rules, the same policy does not support leniency from court deadlines and other procedures readily understood by laypersons, particularly where there is a pattern of delay or failure to pursue a case. *See Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991). “[T]he lenient treatment of *pro se* litigants has limits. Where, for example, a *pro se* litigant fails to comply with an easily understood court-imposed deadline, there is no basis for treating that party more generously than a represented litigant.” *Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996) (citing *Jourdan*, 951 F.2d at 110).

By separate Order the Court will dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b) based on the petitioner's failure to comply with the Court's prior Order.

Date:

cc: Petitioner, *pro se*
Counsel of record
4414.008