UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JULIAN CASTRO PORTOCARRERO,))
Petitioner,) Civil No.
	12-10198-FDS
v.)
JEFF GRONDOLSKY,))
Respondent.))
)

ORDER

SAYLOR, J.

On February 1, 2012, Julian Castro Portocarrero, who is incarcerated at FMC Devens, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. On February 3, 2012, Magistrate Judge Dein entered an order requiring the petitioner to pay the \$5.00 filing fee or seek leave to proceed *in forma pauperis* within 21 days of the date of the order. When the petitioner failed to comply with the order, on March 9, 2012, the Court dismissed this action.

On March 22, 2012, the petitioner filed a motion for reconsideration (#5), in which he asks the Court to reopen this case. He represents that he made a timely request to his case manager to have funds released from his inmate account and forwarded to the Court for purposes of satisfying the filing fee requirement. According to the petitioner, the funds were released on February 9, 2012 but inexplicably returned to his account on March 10, 2012. The prison account statement the petitioner submitted with the motion to reconsider is consistent with these representations.

Because it appears that, through no fault of the petitioner, the filing fee was not paid, the

motion to reconsider (#5) is GRANTED. The Clerk shall reopen this case. The petitioner shall

have 35 days from the date of this order to pay the filing fee or move to proceed in forma

pauperis. Once the filing fee is resolved, the Court shall review the petition and determine

whether it will be served on the respondent. See 28 U.S.C. § 2243 (providing that, if "it appears

from the application [for a writ of habeas corpus] that the applicant . . . is not entitled [to the

writ]," the district court is not required to serve the petition on the respondent).

So Ordered.

/s/ F. Dennis Saylor

F. Dennis Saylor IV

United States District Judge

Dated: June 27, 2012

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