Civitarese v. Marchilli Doc. 4

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAURICE CIVITARESE, Petitioner,	)	
v.	)	C.A. No. 16-40129-TSH
RAYMOND MARCHILLI, Respondent.	)	

PROCEDURAL ORDER

Petitioner, a prisoner at NCCI Gardner, has submitted for filing a petition for writ of habeas corpus.

A party filing a habeas action in this Court must either (1) pay the $5.00 filing fee for habeas corpus actions; or (2) seek leave to proceed without prepayment of the filing fee. See 28 U.S.C. § 1914(a) (fees); 28 U.S.C. § 1915 (proceedings in forma pauperis). The motion for leave to proceed without prepayment of the filing fee must be accompanied by "a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution." Rule 3(a)(2) of the Rules Governing Section 2254 Cases.

Because petitioner has not submitted a filing fee or moved for leave to proceed in forma pauperis, he shall be granted additional time to do so.

Accordingly, if petitioner wishes to proceed with this action, within 21 days of the date of this Procedural Order, he either must (1) pay the $5.00 filing fee; or (2) file a motion for leave to proceed in forma pauperis accompanied by a certified prison account statement. Failure of petitioner to comply with this directive may result in the dismissal of this action without prejudice.

For the convenience of litigants, this Court provides a form application to seek leave to proceed in forma pauperis. The Clerk shall provide petitioner with an Application to Proceed in District Court Without Prepaying Fees or Costs.

SO ORDERED.

9/15/2016
DATE

/s/ Timothy S. Hillman
UNITED STATES DISTRICT JUDGE

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