

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STARR KIOGIMA,

Petitioner,

v.

CASE NO. 18-11630
HONORABLE AVERN COHN

SHAWN BREWER,

Respondent.

_____ /

ORDER
DENYING THE APPLICATION TO PROCEED IN FORMA PAUPERIS
AND DISMISSING THE CASE WITHOUT PREJUDICE

I.

This is a habeas case under 28 U.S.C. § 2254. Michigan prisoner Starr Kiogima (Petitioner”) has submitted a pro se petition claiming insufficient evidence arising from her 2015 convictions for second-degree murder and operating under the influence causing death. Petitioner has also filed an application to proceed without payment of the fee (IFP). As will be explained, Petitioner is not entitled to proceed IFP. Accordingly, the application will be denied and the case will be dismissed without prejudice.

II.

Petitioner’s certificate of prisoner institutional/trust fund account activity states that she had a current spendable account balance of \$337.08 in her prison account as of April 17, 2018 when an administrative officer of the Michigan Department of

Corrections certified her financial statement. Petitioner has not established indigence and that she can pay the \$5.00 filing fee for this action.

III.

Accordingly, Petitioner's application to proceed in forma pauperis is DENIED. The petition is DISMISSED WITHOUT PREJUDICE.¹ Petitioner may submit a new habeas petition with payment of the \$5.00 filing fee in a new case. Further, because jurists of reason would not debate this decision, Petitioner is not entitled to a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484-85 (2000).

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: June 7, 2018
Detroit, Michigan

¹The Court is required to dismiss the case where, as here, the allegation of poverty is untrue. See 28 U.S.C. § 1915(e)(2)(A).