

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS BAILEY,

Petitioner,

v.

CASE NO. 5:11-CV-12147
HONORABLE JOHN CORBETT O'MEARA

GREG MCQUIGGIN,

Respondent.

OPINION AND ORDER DENYING APPLICATION TO PROCEED IN FORMA
PAUPERIS AND DISMISSING HABEAS PETITION WITHOUT PREJUDICE

Petitioner Curtis Bailey, a state prisoner currently confined at the Chippewa Correctional Facility, in Kincheloe, Michigan, has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application to proceed *in forma pauperis*. Petitioner's certificate of prisoner institutional/trust fund account activity states that he had a current spendable account balance of \$676.14 in his prison account as of May 27, 2011, when the custodian of Petitioner's institutional account certified his financial statement. The Court concludes from the financial data that Petitioner has not established indigence and that he should be able to pay the \$5.00 filing fee for this action. Accordingly, the Court **DENIES** Petitioner's application to proceed *in forma pauperis* and **DISMISSES WITHOUT PREJUDICE** the petition for writ of habeas corpus. Petitioner may submit a new petition with payment of the filing fee. This case is closed.

s/John Corbett O'Meara
United States District Judge

Date: June 14, 2011

I hereby certify that on June 14, 2011 a copy of the foregoing document was served upon Petitioner at Chippewa Correctional Facility by first-class U.S. mail.

s/William Barkholz
Case Manager