

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD L. BENISH,)
)
 Petitioner,)
)
 v.)
)
 ROBERT HOUSTON, Director)
 Nebraska Department of Correctional)
 Services,)
)
 Respondent.)

4:10CV3241

**MEMORANDUM
AND ORDER**

Petitioner has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) (filing no. [1](#)) and a Motion for Leave to Proceed in Forma Pauperis (filing no. [2](#)).

Habeas corpus cases attacking the legality of a person’s confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Petitioner’s financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the fee at this time.

DATED this 4th day of January, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge