

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<p><b>ERIC MCGEE,</b></p> <p style="text-align: center;"><b>Petitioner,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>ROBERT HOUSTON, Director of Department of Corrections for the State of Nebraska,</b></p> <p style="text-align: center;"><b>Respondent.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CASE NO. 4:13CV3084</b></p>  <p><b>MEMORANDUM AND ORDER</b></p>
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This matter is before the court on Petitioner’s Motion for Leave to Proceed In Forma Pauperis (“IFP”). (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\(a\)](#). The court has reviewed the application to proceed IFP pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#). Petitioner’s trust account information shows that Petitioner’s account contained an average monthly balance of \$100 or more for the six-month period immediately preceding the filing of the petition. (Filing No. [6](#).) Thus, the court concludes that Petitioner must be required to pay the \$5.00 filing fee because Petitioner has the financial ability to do so. See [28 U.S.C. § 1915\(a\)](#). No further review of this case will take place until the fee is paid.

IT IS THEREFORE ORDERED that:

1. Petitioner’s application to proceed IFP (Filing No. [2](#)) is denied;
2. Petitioner is granted until June 28, 2013, to pay the \$5.00 filing fee. Petitioner is warned that if the fee is not paid as required, the court may dismiss this case without further notice;
3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: June 28, 2013: deadline for Petitioner to pay \$5.00 filing fee; and

4. No further review of this case will take place until the filing fee is paid.

DATED this 31<sup>th</sup> day of May, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

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