Coutts v. Gage Doc. 6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES A. COUTTS, Petitioner, v. BRIAN GAGE, Warden, State of Nebraska, Department of Corrections, Respondent.	))))))))))	4:13CV3224 **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.

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis (Filing No. 2) is granted.

DATED this 6th day of January, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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