

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUAN ANTONIO HERNANDEZ, )  
 )  
Petitioner, ) 4:14CV3172  
 )  
v. )  
 )  
MRS. DIANE SABATKA-RINE, ) MEMORANDUM AND ORDER  
Warden, Nebraska State )  
Penitentiary, )  
 )  
Respondent. )  
 )

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Petitioner has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) (Filing No. [1](#)), a Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)), and a copy of his prisoner trust account statement (Filing No. [6](#)).

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, but petitioner must nevertheless pay the \$5.00 fee within 60 days. The Court cautions petitioner that failure to adequately comply with this order may result in dismissal of his petition without further notice.

IT IS ORDERED:

1. The application to proceed in forma pauperis (Filing No. 2) is provisionally granted, but petitioner must pay the \$5.00 filing fee within 60 days from the date of this Memorandum and Order.

2. The clerk of the court is directed to set a pro se case management deadline in this case with the following text: October 29, 2014: deadline for payment of \$5.00 filing fee.

DATED this 2nd day of September, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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