

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRON BROWN,)
)
Petitioner,)
)
v.)
)
STATE OF NEBRASKA,)
)
Respondent.)

8:10CV236

**MEMORANDUM
AND ORDER**

The petitioner, Terron Brown, 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. [9](#)).

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 petitioner’s trust account statement shows that he had an average monthly balance of \$100 or more in his account for the six-month period immediately preceding the filing of the petition. Therefore, I conclude that Terron Brown must be required to pay the \$5.00 filing fee because he 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. the petitioner’s application to proceed in forma pauperis (filing no. [2](#)) is denied;
2. the Terron Brown is granted until August 20, 2010, to pay the \$5.00 filing fee. Terron Brown 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 with the following text: August 20, 2010: deadline for payment of \$5.00 filing fee; and

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

Dated July 20, 2010.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge