

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

BILLY TYLER, )  
 )  
Petitioner, ) 8:11CV103  
 )  
v. )  
 )  
HUBER and DOUGLAS COUNTY ) MEMORANDUM AND ORDER  
DISTRICT COURT, )  
 )  
Respondents. )  
 )

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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, 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 by May 27, 2011.

2) The clerk of the court is directed to set a pro se case management deadline in this case with the following text:

May 27, 2011: deadline for payment of \$5.00 filing fee.

DATED this 30th day of March, 2011.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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