

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BYRON K. RED KETTLE,)
)
 Plaintiff,) 8:13CV171
)
)
 v.)
)
)
STATE OF NEBRASKA,) MEMORANDUM AND ORDER
)
)
 Defendant.)
)

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. 3).

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 August 12, 2013.

2. The clerk of the court is directed to set a prose case management deadline in this case with the following text: August 12, 2013: deadline for payment of \$5.00 filing fee.

DATED this 20th day of June, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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