

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JOSEPH A. STOLTENBERG,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **BARBARA LEWIEN, Warden of** )  
 **O.C.C., an institution under** )  
 **jurisdiction,** )  
 )  
 **Respondent.** )

**CASE NO. 8:14CV308**

**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. Accordingly,

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

DATED this 7<sup>th</sup> day of October, 2014.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge