

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEREK R. NICHOLS,	)	8:15CV66
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
SCOTT FRAKES, Director, NE Dept. of Corr. Srvs., and BARBARA LEWIEN, Warden of Omaha Correctional Center,	)	
	)	
Respondents.	)	
	)	

Petitioner filed a Petition for Writ of Habeas Corpus (Filing No. [1](#)) and a Motion for Leave to Proceed in Forma Pauperis (Filing No. [4](#)). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this court (*see* inmate trust account statement at Filing No. [5](#)), provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee at this time. *See* [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis (Filing No. [4](#)) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

DATED this 28th day of April, 2015.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge

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