

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

DALE ERNEST DENOYER,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA, U.S.)
MARSHAL'S SERVICE, U.S. PAROLE)
COMMISSION, and U.S. PROBATION)
OFFICE,)
)
Respondents.)

8:15CV185

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner’s Motion for Leave to Proceed in Forma Pauperis (“IFP”). (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). The court has reviewed the application to proceed IFP and Petitioner’s trust account information. As of May 31, 2015, Petitioner’s unfrozen balance in his inmate trust account statement was \$599.85. Thus, the court concludes that Petitioner 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. Accordingly,

IT IS ORDERED:

1. Petitioner’s application to proceed IFP (Filing No. 2) is denied.
2. Petitioner has 30 days in which to pay the \$5.00 filing fee. He is warned that the court may dismiss this case without further notice to him if the fee is not paid.

3. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: July 6, 2015: check for payment of filing fee.
4. No further review of this case will take place until the filing fee is paid.

DATED this 5th day of June, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge