## King v. Gage

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

BUD LEE KING,	)	8:15CV346
	)	
Petitioner,	)	
	)	
V.	)	MEMORANDUM
	)	AND ORDER
BRIAN GAGE, Warden,	)	
	)	
Respondent.	)	

Petitioner filed a Petition for Writ of Habeas Corpus (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 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. 4), 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. 2) 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 29th day of September, 2015.

BY THE COURT:

<u>s/ Joseph F. Bataillon</u> Senior United States District Judge

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