

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY W. GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:16CV562

**MEMORANDUM
AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus ([Filing No. 1](#)) and a Motion for Leave to Proceed in Forma Pauperis ([Filing No. 7](#)). 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. 8](#)), 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. 7](#)) 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 25th day of January, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge