

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH W. HIGGINS,

Petitioner,

vs.

DOUGLAS COUNTY DISTRICT
COURT, and LINCOLN REGIONAL
CENTER,

Respondents.

8:17CV104

**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. 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 motion, leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. *See* [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor").

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 28th day of March, 2017.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge