

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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|-----------------------|---|-----------------------------|
| RONALD SEATON, | : | |
| | : | Civ. No. 14-2331 (RBK) |
| Petitioner, | : | |
| | : | MEMORANDUM AND ORDER |
| v. | : | |
| | : | |
| JORDAN HOLLINGSWORTH, | : | |
| | : | |
| Respondent. | : | |

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner did not pay the \$5.00 filing fee. Furthermore, his application to proceed *in forma pauperis* is incomplete. Petitioner failed to attach the requisite affidavit which sets forth that he is unable to pay the filing fee and he has not attached a certified statement by the appropriate prison official detailing his prison account. Indeed, Local Civil Rule 81.2(b) states as follows:

Whenever a Federal, State, or local prisoner submits a . . . petition for a writ of *habeas corpus* . . . the prisoner shall also submit an affidavit setting forth information which establishes that the prisoner is unable to pay the fees and costs of the proceedings and *shall further submit a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner’s prison account and, (2) the greatest amount on deposit in the prisoner’s prison account during the six-month period prior to the date of the certification.*

LOCAL CIV. R. 81.2(b) (emphasis added). Therefore, petitioner’s application to proceed *in forma pauperis* will be denied without prejudice as it is incomplete.

As petitioner has neither pre-paid the filing fee nor submitted a complete application to proceed *in forma pauperis*, the Clerk will be ordered to administratively terminate the case. However, petitioner shall be given an opportunity reopen this action by either paying the filing fee or submitting a complete *in forma pauperis* application.

Accordingly, IT IS on this 24th day of April, 2014,

ORDERED that petitioner's application to proceed *in forma pauperis* is denied without prejudice; and it is further

ORDERED that the Clerk shall administratively terminate this case for petitioner's failure to either pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis*; and it is further

ORDERED that if petitioner wishes to reopen this action, he shall notify the Court within thirty (30) days of the date of entry of this Order, in writing; petitioner's writing shall include either: (1) a complete *in forma pauperis* application, including a certified statement of petitioner's institutional account as required by Local Civil Rule 81.2(b); or (2) the \$5.00 filing fee; and it is further

ORDERED that the Clerk shall serve on petitioner by regular U.S. mail this Memorandum and Order and a blank form application to proceed *in forma pauperis* by a prisoner in a habeas corpus case.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge