

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROGER CARDELLA POYCE, :

Petitioner, :

v. :

JOHN TSOUKARIS, et al., :

Respondents. :

Civ. No. 16-8676 (KM)

MEMORANDUM AND ORDER

Petitioner is an immigration detainee currently lodged at the Essex County Correctional Facility in Newark, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has not paid the filing fee. Furthermore, petitioner's application to proceed *in forma pauperis* is incomplete and will be denied without prejudice. Petitioner shall have the chance to reopen this action if he either pays the \$5.00 filing fee or files a complete application to proceed *in forma pauperis* on the form supplied by the Clerk that accompanies this Order within thirty (30) days.

Therefore, IT IS this 7th day of December, 2016,

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 pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis* on the form supplied by the Clerk, 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 a complete and signed *in forma pauperis* application or the \$5.00 filing fee; and it is further

ORDERED that the Clerk shall serve a copy of this order and a blank form application to proceed *in forma pauperis* by a non-prisoner (AO 239) to petitioner by regular U.S. mail.



KEVIN MCNULTY
United States District Judge