

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MERVIN MUNIZ,

Petitioner,

v.

JOHN POWELL, et al.,

Respondents.

Civil Action No. 13-0178 (MAS)

**MEMORANDUM AND ORDER**

**THIS MATTER** having come before the Court on Petitioner Mervin Muniz’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Presently before the Court is Petitioner’s letter regarding his *in forma pauperis* (“IFP”) status, or the lack thereof. (ECF No. 28.) It appearing that:

1. On April 23, 2013, the Court denied Petitioner’s initial IFP application for failure to submit a proper application as required by L. Civ. R. 81.2(b). (ECF No. 5.) Instead of curing the defective application, Petitioner submitted the five-dollar filing fee, allowing the matter to proceed. (ECF No. 6.)

2. Thereafter, Petitioner submitted another IFP application, which the Court has yet to consider. (ECF No. 9.)

3. On February 6, 2015, the Court denied the Petition, and declined to issue a certificate of appealability. (ECF No. 24.) Petitioner sought to appeal the denial on May 15, 2015. (ECF No. 26.)

4. Because the availability of IFP status in this Court affects Petitioner’s IFP status on appeal, the Court will consider the previously-filed IFP application. Having reviewed the application, the

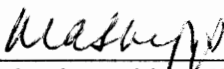
Court finds that Petitioner is not entitled to IFP status, because Petitioner's prison account statement shows that he had over \$200 in his prison account in the preceding six months prior to the filing of the Petition. (See ECF No. 9-1 at 3.) This renders Petitioner ineligible for IFP status. See L. Civ. R. 81.2(c) ("If the prison account of any petitioner or movant exceeds \$200, the petitioner or movant shall not be considered eligible to proceed *in forma pauperis*").

IT IS therefore on this 1<sup>st</sup> day of July, 2015,

**ORDERED** that Petitioner's Application to Proceed IFP, ECF No. 9, is hereby **DENIED**;

it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular mail.

  
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Michael A. Shipp, U.S.D.J.