

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KENNETH A. DUNN,

Petitioner,

vs.

Civ. No. 18-289 KG/KBM

KEN SMITH and  
ATTORNEY GENERAL FOR  
THE STATE OF NEW MEXICO

Respondents.

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

This matter is before the Court upon Petitioner's Motion to Proceed *In Forma Pauperis*. (Doc. 4, supplemented by Doc. 6). Petitioner seeks to prosecute his 28 U.S.C. § 2254 habeas petition without prepaying the \$5.00 filing fee. Pursuant to the *in forma pauperis* statute, the Court may only grant such relief where an inmate's "affidavit [and] ... statement of ... assets [demonstrates] that the [inmate] is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). Petitioner does not qualify under that test. He receives an average of \$242.16 per month in income, and he has a balance of \$300.97 in his inmate account. (Doc. 6) at 1-2. The Motion will therefore be denied, and Petitioner must pay the \$5.00 filing fee within thirty (30) days of entry of this order. Failure to timely comply may result in the dismissal of this action without further notice.


**IT IS ORDERED:**

1. Petitioner Kenneth A. Dunn's Motion to Proceed *In Forma Pauperis* (Doc. 4) is denied.

2. Petitioner shall submit the \$5.00 filing fee within thirty (30) days from entry of this Order.

3. The Clerk of Court shall provide Petitioner with two copies of this Order.

4. Petitioner shall make the necessary arrangements to attach one copy of this Order to his check.



UNITED STATES DISTRICT JUDGE