

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

RAHEEM WAY,

Petitioner,

vs.

No. CIV 23-00229 JB/LF

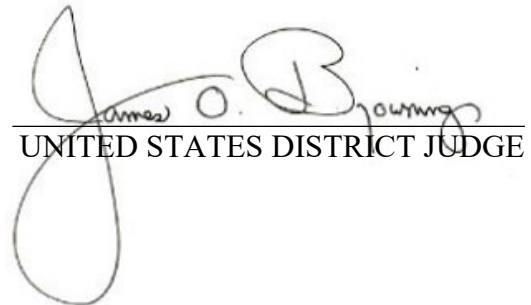
ATTORNEY GENERAL OF THE STATE OF
NEW MEXICO,

Respondent.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Petition Under 28 U.S.C. §2254 for Writ of Habeas Corpus by a Person in State Custody, filed March 22, 2023 (Doc. 2)(“Petition”). Petitioner Raheem Way attaches his Inmate Trust Accounting Account Transaction History to his Petition. See Petition at 18-21. The Court infers that Way seeks to prosecute his Petition in forma pauperis, i.e., without paying the \$5.00 filing fee. Under 28 U.S.C. § 1915(a)(1), the in forma pauperis statute, the Court may allow an inmate to proceed without paying the filing fee only where the inmate’s “affidavit [and] statement of all assets such prisoner possesses [demonstrate] that the inmate is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Way does not qualify to proceed in forma pauperis under the standard that § 1915(a)(1) establishes. See 28 U.S.C. § 1915(a)(1). Specifically, Way’s financial information reflects that Way receives an average of \$208.95 per month, and that his average monthly balance is \$81.25. See Petition at 18-21. The Court, therefore, requires Way to pay the \$5.00 filing fee within thirty days of this Memorandum Opinion and Order’s entry. Failure to timely comply may result in dismissal of this action without further notice.

IT IS ORDERED that: (i) Petitioner Raheem Way must submit the \$5.00 filing fee within thirty days of this Memorandum Opinion and Order's entry; and (ii) the Clerk of the Court shall provide Way with a copy of this Memorandum Opinion and Order.


UNITED STATES DISTRICT JUDGE

Parties:

Raheem Way
Santa Fe, New Mexico

Petitioner pro se