

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

JOSEPH GROS-VENTRE,

Petitioner,

vs.

Civ. No. 17-1089 KG/GBW

R.C. SMITH, *Warden*,
ATTORNEY GENERAL FOR
THE STATE OF NEW MEXICO,

Respondents.


ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

This matter is before the Court upon Joseph Gros-Ventre's Application to Proceed in District Court Without Prepayment of Fees or Costs ("Motion"), filed November 2, 2017. (Doc. 2). Gros-Ventre seeks to prosecute his 28 U.S.C. § 2254 petition without prepaying the \$5.00 filing fee. Pursuant to the *in forma pauperis* statute, the Court may only grant such relief where a prisoner's "affidavit [and] ... statement of all assets such prisoner possesses [demonstrates] that the [prisoner] is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1).

Here, Gros-Ventre's affidavit and inmate account statement demonstrate that he is able to comfortably make the \$5.00 payment. (Doc. 2) at 3-4. He receives an average of \$165.83 per month in income and gifts, and he has a balance of \$100.17 in his inmate account. *Id.* The Motion will therefore be denied, and Gros-Ventre 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 THEREFORE ORDERED that Gros-Ventre's Application to Proceed in District Court Without Prepayment of Fees or Costs (Doc. 2) is denied; and Gros-Ventre must submit the

\$5.00 filing fee within thirty (30) days from entry of this order.


UNITED STATES DISTRICT JUDGE