

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

DANIEL JAURIGUI,

Petitioner,

vs.

No. CIV 20-0828 JB\LF

CHRIS BRICE, and
U.S. MARSHAL SERVICE,

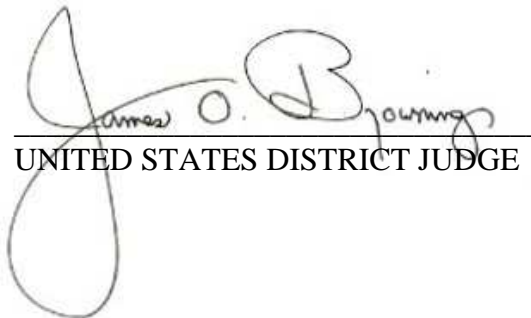
Respondents.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on: (i) the Petitioner's Prisoners Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed August 17, 2020 (Doc. 2), supplemented by (ii) a second Application to Proceed in District Court Without Prepaying Fees or Costs, filed September 3, 2020 (Doc. 5)(together, the "Motions"). Petitioner, Daniel Jaurigui, seeks to prosecute his Petitioner Under 28 U.S.C. § 2241 For a Writ of Habeas Corpus, filed on August 17, 2020, (Doc. 1), without prepaying the \$5.00 filing fee. The Court may grant such relief only 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). Jaurigui's financial statement reflects he has \$198.34 in his inmate spending account. See Simple Resident Transaction Details, Adult Checking at 3, filed September 3, 2020 (Doc. 5). The Court, therefore, will deny the Motions. Jaurigui shall pay the \$5.00 filing fee within thirty days of entry of this order. The failure to timely comply with this Memorandum Opinion and Order will result in this action's dismissal without further notice.

IT IS ORDERED that: (i) the Prisoner's Motion and Affidavit for Leave to Proceed

Pursuant to 28 U.S.C. § 1915, filed August 17, 2020 (Doc. 2) is denied; (ii) his Application to Proceed in District Court Without Prepaying Fees or Costs, filed September 3, 2020 (Doc. 5) is denied, and the Petitioner must submit the \$5.00 filing fee within thirty days from entry of this Order.



James O. Downing
UNITED STATES DISTRICT JUDGE

Parties:

Daniel Jaurigui
Luna County Detention Center
Deming, New Mexico

Pro Se Plaintiff