

UNITED STATES DISTRICT COURT FOR THE
 WESTERN DISTRICT OF NORTH CAROLINA
 ASHEVILLE DIVISION
 1:07CV246-MU

THOMAS EDWARD SCOTT,)
 Petitioner,)
)
 v.)
)
 STATE OF NORTH CAROLINA)
 Respondent,)
 _____)

O R D E R

THIS MATTER is before the Court on the Petitioner’s “Motion for Leave to Proceed in Forma Pauperis,” filed July 5, 2007.

The record shows that on July 5, 2007, Petitioner filed a Petition for a Writ of Habeas Corpus under 28 U.S.C. §2254. Respondent was directed by this Court to answer on July 23, 2007.

In his IFP Application, Petitioner states that he has inmate wages of \$30.00 per month and receives \$150.00 per month from his family. Petitioner further states that he has \$224.00 in cash in a checking or savings account. Petitioner’s certified Trust Account statement shows a balance of \$191.77. Consequently, the Court finds that Petitioner has sufficient resources from which to pay the required \$5.00 filing fee; therefore, his IFP Motion will be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the Petitioner’s Motion to Proceed in Forma Pauperis

is **DENIED**; and

2. That within twenty (20) days of the date of this filing, the Petitioner shall pay the \$5.00 filing fee. **FAILURE TO PAY THE SUBJECT FILING FEE COULD SUBJECT THE INSTANT PETITION TO SUMMARY DISMISSAL.**

SO ORDERED.

Signed: July 25, 2007

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

