

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:12-cv-169-RJC

GREGORY LAMONT BULLARD EL,

Plaintiff,

v.

ORDER

**ROBERT LEWIS,
SUSAN WHITE,**

Defendants.

THIS MATTER is before the Clerk to clarify the appropriate filing fee required by Plaintiff Bullard.

Plaintiff filed a complaint with this court as a prisoner civil rights complaint under 42 U.S.C. §1983. This filing triggered the Clerk's Order Waiving Initial Partial Filing Fee and Directing the Correctional Facility to Transmit Partial Payments standard Order. Per this Order, the correctional facility at which Plaintiff is incarcerated was to withhold a percentage of Plaintiff's trust fund account until the filing fee for a §1983 case of \$350.00 was paid in full.

Plaintiff was then served with an Order of this court advising that the case was going to be re-characterized as a petition for habeas corpus under 28 U.S.C. § 2254. On September 9, 2012, this Court entered an Order to that effect, reclassifying this matter as a 2254 habeas petition.

The filing fee for a matter under 28 U.S.C. §2254 is \$5.00, not \$350.00. THEREFORE, the Clerk's Order of August 8, 2012, the Order Waiving Initial Partial Filing Fee and Directing the Correctional Facility to Transmit Partial Payments is HEREBY RESCINDED; a fee of \$350.00 is no longer due for this matter. I further Order from this Court shall establish the appropriate filing fee for the §2254 matter.

Signed: October 23, 2012



Frank G. Johns, Clerk
United States District Court

