

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12-cv-169-RJC**

**GREGORY LAMONT BULLARD EL,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **ROBERT LEWIS,** )  
 **SUSAN WHITE,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on its own motion. On July 16, 2012, Plaintiff filed a complaint under 42 U.S.C. § 1983. (Doc. No. 1). Following an initial review, the Court determined that Plaintiff's civil action was properly considered an action for habeas corpus under 28 U.S.C. § 2254 because Plaintiff was attacking the fact of his confinement. The Court then reviewed the allegations and concluded that Petitioner was not entitled to habeas relief and entered an Order denying and dismissing his petition and declined to issue a certificate of appealability. (Doc. No. 10).

Filed with his complaint, was an application to proceed without prepayment of fees or costs (IFP Application). (Doc. No. 1-1). The Court finds that based on the evidence contained in his IFP Application, the \$5.00 filing fee required for petitions filed under Section 2254 should be waived.

**IT IS, THEREFORE, ORDERED** that Petitioner's application to proceed *in forma pauperis* is **ALLOWED** and the \$5.00 filing fee is waived. (Doc. No. 1-1).

Signed: November 20, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

