

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14-cv-220-FDW**

JOHN D. LEATHERWOOD,)
)
 Petitioner,)
)
 vs.)
)
 NCDPS DEPT. OF ADULT)
 CORRECTIONS,)
 STATE OF NC,)
)
 Respondent.)
 _____)

ORDER


THIS MATTER is before the Court upon Petitioner’s Motion to Proceed in Forma Pauperis. (Doc. No. 2). Petitioner, an inmate at Craven Correctional Institution, is seeking permission to proceed with his petition under 28 U.S.C. § 2254 for a writ of habeas corpus without having to pay the \$5.00 filing fee.

Pursuant to 28 U.S.C. § 1915(a)(2), a prisoner seeking to proceed in a Section 2254 action without prepayment of fees, in addition to submitting the required affidavit, “shall submit a certified copy of the trust fund account statement (or the institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint.” The provisions of 28 U.S.C. § 1915(a)(2) are mandatory. Before the Court can address Petitioner’s in forma pauperis motion, Petitioner must obtain from the prison his trust fund account statement showing his account information for the 6-month period immediately preceding the filing of the petition. When Petitioner submits the statement to this Court, the Court will conduct an initial review of the petition.

IT IS, THEREFORE, ORDERED that Petitioner shall, within fourteen (14) days from

service of this Order, produce a certified copy of his trust fund account statement for the 6-month period immediately preceding the filing of the petition. If Petitioner does not produce a certified copy of his trust fund account statement within such time, this action may be subject to dismissal. Petitioner shall inform the Court if the prison is not responding to his requests for a copy of the trust fund account statement and if he cannot submit the statement to this Court within thirty days. As an alternative to submitting his trust fund account statement with this Court, Petitioner may instead choose not to seek to proceed in forma pauperis and pay the \$5.00 filing fee.

Signed: October 31, 2014



Frank D. Whitney
Chief United States District Judge

