

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-496-FDW**


**KEVIN ANDREW POWELL,** )  
 )  
 **Petitioner,** )  
 )  
**vs.** ) **ORDER**  
 )  
 **KIERAN J. SHANAHAN,** )  
 )  
 )  
 **Respondent.** )  
\_\_\_\_\_ )

**THIS MATTER** is before the Court upon Petitioner’s Motion to Proceed in Forma Pauperis. (Doc. No. 2). By his Application, Petitioner is seeking permission to proceed with his Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (Doc. No. 1) without having to pay the \$5.00 filing fee for that action. Petitioner is an inmate at Scotland Correctional Institution in Laurinburg, North Carolina.

Petitioner did not attach his prisoner trust account statement to his Motion to Proceed in Forma Pauperis. 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. Thus, Petitioner will be required to produce a certified copy of his trust fund account statement for the 6-month period preceding the filing of his petition before this Court can rule on his Motion.

**IT IS, THEREFORE, ORDERED** that Petitioner shall produce a certified copy of his trust fund account statement within twenty (20) days from service of this Order. If Petitioner does not

produce a certified copy of his trust fund account statement within such time, this action may be subject to dismissal.

  
Frank D. Whitney  
Chief United States District Judge 