

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

**5:11cv68-V-2
(5:05cr9-V-3)**

SHONIKA GAIL ECKLES,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER comes before the Court on Petitioner's Motion to Proceed in Forma Pauperis, filed November 18, 2011 (Doc. No. 6).

In August 2010, Petitioner began filing various post-judgment motions seeking, among other matters, to extend the time for filing her § 2255 Motion. (Id., Doc. Nos. 1349, 1361, 1365 and 1369) On May 10, 2011, the Court entered an Order finding that Petitioner's pleadings had been filed well before the expiration of her 2010 deadline for filing a § 2255 Motion. (Id., Doc. No. 1374 at 3). Accordingly, the Court's Order directed the Clerk to construe Petitioner's post-judgment motions as a timely filed § 2255 Motion and to open a new civil case for such Motion to Vacate, and it gave Petitioner nearly two months to supplement such Motion by submitting a pleading in which she articulated the specific legal bases for relief. (Id. at 4).

On July 1, 2011, Petitioner timely filed a form Motion to Vacate setting forth a 26-pronged claim of ineffective assistance of counsel along with claims alleging that her due process rights were violated and that she was subjected to prosecutorial misconduct. (Doc. No. 3). However, Petitioner's Motion did not include any factual allegations to support her claims.

Thus, on September 6, 2011, Petitioner filed a Motion to Supplement (Doc. No. 4), essentially seeking a 120-day extension of time in which to obtain various documentary materials and to draft a memorandum in support of her Motion to Vacate. On November 17, 2011, the Court granted Petitioner's Motion to the extent that it gave her up to and including January 3, 2012 in which to file a supporting memorandum.

By the instant Motion, Petitioner asks for "leave to file Motions in [this Court] without pre-payment of costs" (Doc. No. 6 at 1). Notably, however, there is no filing fee for motions, such as this one, that are filed under § 2255. Furthermore, Petitioner has failed to identify the fees to which she is referring, and the Court is not aware of what fees she is seeking to avoid. Accordingly, Petitioner's Motion to Proceed in Forma Pauperis (Doc. No. 6) is denied.

SO ORDERED.

Signed: November 18, 2011



Richard L. Voorhees
United States District Judge

