

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16cv208-FDW**

CHRISTOPHER CHARLES HARRIS,)
)
 Petitioner,)
)
 vs.)
)
 ERIC DYE,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court upon Petitioner’s motion seeking reconsideration of his Application to Proceed in District Court without Prepaying Fees or Costs (hereinafter “IFP Application”). (Doc. No. 8.)

Petitioner is a prisoner of the State of North Carolina who filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) and IFP Application (Doc. No. 2) in this Court on October 28, 2016. The Court denied Petitioner’s IFP Application because he failed to disclose the income he earned working at the prison. (Doc. No. 5.) Subsequently, Petitioner was transferred to a different prison, where he was not provided employment. (Doc. No. 7.) Despite being granted an extension of time, he has not paid the \$5.00 filing fee required to proceed with this action.


Petitioner filed the instant Motion to Reconsider on January 26, 2017, stating that he remains unemployed at the prison, that he was unaware that prison employment wages were considered income, and that he has not been able to find a family member to pay the \$5.00 filing fee for him. (Doc. No. 8.) Based the representations made in the Motion, which Petitioner signed under penalty of perjury, and in the interest of moving this action forward, the Court will

grant Petitioner's motion and allow him to proceed in forma pauperis.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's motion to reconsider his Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 8) is **GRANTED**; and
2. This action may proceed without prepayment of the \$5.00 filing fee.

Signed: February 22, 2017



Frank D. Whitney
Chief United States District Judge

