

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEITH HAUPTSTUECK,

Petitioner,

-vs-

WARDEN, Lebanon Correctional
Institution,

Respondent.

:

Case No. 3:12-cv-356

:

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

DEFICIENCY ORDER

This habeas corpus case is before the Court on Petitioner's Notice of Appeal (Doc. No. 7). The Court notes that the Notice was filed without the required filing fee of \$455, but Judge Black has determined that an appeal is frivolous and should not be permitted to proceed *in forma pauperis*.

Accordingly, it is hereby ORDERED that Petitioner pay the \$455 filing fee or file an application with the Court of Appeals to proceed *in forma pauperis* not later than January 17, 2013.

December 18, 2012.

s/ *Michael R. Merz*
United States Magistrate Judge