

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT GRIFFIN,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-0307-F
)	
)	
PAUL A. KASTNER,)	
)	
Respondent.)	

ORDER


This action is filed by petitioner, a federal prisoner, appearing *pro se*, for habeas relief under 28 U.S.C. § 2241. Petitioner also filed a motion for *in forma pauperis* status. (Doc. no. 2.) On March 27, 2009, Magistrate Judge Bana Roberts filed a Report and Recommendation recommending that petitioner’s motion for *in forma pauperis* status be denied, and recommending that this action be dismissed without prejudice unless petitioner pays the full \$5.00 filing fee for this action to proceed.

On April 2, 2009, petitioner filed a document entitled “Response for Filing Fee.” (Doc. no. 6.) That document is construed by the court as petitioner’s response to the Report and Recommendation, and also as a motion for an extension of time within which to pay the filing fee. Furthermore, the court construes this document as a concession, by petitioner, that the motion for *in forma pauperis* should be denied as recommended by the Magistrate Judge, and that this action should be dismissed if the fee is not timely filed. That aspect of the Report is **AFFIRMED** and **ACCEPTED**, and petitioner’s request for *in forma pauperis* status is **DENIED**.

Petitioner’s request for additional time within which to pay the filing fee is **GRANTED** for good cause shown, and the Report and Recommendation of the

Magistrate Judge is modified to that extent. Petitioner shall comply with the requirements stated in the Report and Recommendation on or before May 4, 2009. Failure to timely comply with this order, or to obtain an additional extension for good cause shown, will result in the dismissal of this action without prejudice, for failure to pay the filing fee.

Dated this 6th day of April, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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