

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

KEMAN FITZPATRICK,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-13-284-M
)	
WILLIAM MONDAY, Warden, et al.,)	
)	
Respondent.)	

ORDER

On March 28, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that petitioner's motion to proceed *in forma pauperis* be denied and that petitioner be ordered to prepay the full \$5.00 filing fee for this action to proceed. Petitioner was advised of his right to object to the Report and Recommendation by April 15, 2013. On April 4, 2013, petitioner paid the full \$5.00 filing fee.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 5] issued by the Magistrate Judge on March 28, 2013;
- (2) DENIES petitioner's motion to proceed *in forma pauperis* [docket no. 2], and
- (3) RECOMMITS this matter to the Magistrate Judge for further proceedings.

IT IS SO ORDERED this 19th day of April, 2013.


 VICKI MILES-LaGRANGE
 CHIEF UNITED STATES DISTRICT JUDGE