

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

EMMANUEL JOSH MILLER,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 12-206 Erie
)	
COURT OF COMMON PLEAS)	
ERIE COUNTY, PA, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Petition for Writ of Habeas Corpus was received by the Clerk of Court on September 5, 2012, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. ' 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Magistrate Judge Baxter issued a report and recommendation, filed on October 5, 2012 (ECF No. 4), recommending that leave to proceed *in forma pauperis* be denied. Petitioner filed Objections on October 18, 2012.

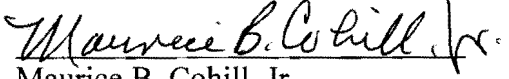
We have reviewed Petitioner's objections that he has insufficient funds to pay the filing fee of \$5.00 in this case. The documentation he has provided shows that requiring the Petitioner to pay the filing fee will not deprive him of any necessities of life at prison.

After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, we adopt Magistrate Judge Baxter's October 5, 2012 report and recommendation as the Order of the Court.

Accordingly, the following Order is hereby entered.

AND NOW, this 28th day of December, 2012, it is HEREBY ORDERED, ADJUDGED and DECREED that Petitioner's Leave to Proceed In Forma Pauperis is hereby DENIED.

The Report and Recommendation dated October 5, 2012 (ECF No. 4) is adopted as the Order of the Court.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Counsel of Record

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