

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

DOUGLAS JAMES BITTINGER, )  
Petitioner, ) Case No. 06 - 558  
vs ) Judge Thomas M. Hardiman /  
DAVID DIGUGLIELMO and THE ) Magistrate Judge Lisa Pupo Lenihan  
ATTORNEY GENERAL OF THE STATE )  
OF PENNSYLVANIA, )  
Respondents. )

**REPORT AND RECOMMENDATION**

AND NOW, this 4<sup>th</sup> day of May, 2006, after Douglas James Bittinger presented a petition for a writ of habeas corpus which he seeks leave to prosecute in forma pauperis, and it appearing that he has a balance of \$20.00 in his account at the State Correctional Institution at Graterford as of April 21, 2006, as well as prison wages of \$30.00 per month and personal monetary gifts that average an additional \$25.00 per month, which is a sum well in excess of the \$5.00 filing fee required to commence this action, and it further appearing that requiring the petitioner to pay the filing fee will not deprive him of any necessities of life at the Institution,

It is recommended that leave to proceed in forma pauperis be denied, and, if it is petitioner's desire to proceed with this action, that he submit the \$5.00 filing fee within 20 days of the adoption of this Report and Recommendation.

Within 10 days after being served with a copy, any party may serve and file written objections to the Report and Recommendation. Any party opposing the objections shall have

seven days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights



LISA PUPO LENIHAN  
United States Magistrate Judge

cc: Douglas James Bittinger  
EQ-8035  
SCI Graterford  
P.O. Box 244  
Graterford, PA 19426