

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

MICHAEL A. BAILEY,)	
Petitioner,)	
)	
vs.)	Civil Action No. 14-1362
)	Chief Magistrate Judge Maureen P. Kelly
COMMONWEALTH OF PA,)	
Respondent.)	Re: ECF No. 3

ORDER

Michael Bailey (“Petitioner”) has apparently sought to file a habeas petition pursuant to 28 U.S.C. § 2254 in order to challenge his conviction and sentence imposed by the Court of Common Pleas of Erie County. Because Petitioner did not pay the filing fee of \$5.00 and because he did not file a Motion for Leave to Proceed In Forma Pauperis (“IFP Motion”), the Court entered an order on October 15, 2014, ECF No. 2, directing that Petitioner either pay the filing fee or file an IFP Motion in order to proceed with this “civil action.”

Petitioner filed a response to the Order, ECF No. 3, indicating that Petitioner was confused because, although he had submitted a “Federal Habeas Corpus” petition, he failed to understand the Court’s reference to the “civil action” that he “personally never filed to any extent.” Id.

The Court’s use in the Order of the phrase “civil action” simply was another way of referring to Petitioner’s habeas corpus petition. Accordingly, Petitioner did file a “civil action” in the form of his habeas petition.

Petitioner also asserts that he did pay the filing fee. ECF No. 3. However, the Court did not receive a \$5.00 payment. Hence, the habeas petition cannot be formally docketed and the case cannot be reopened until and unless Petitioner either pays the filing fee or files a Motion for

Leave to Proceed IFP. Petitioner is ORDERED to either pay the filing fee or file a Motion for Leave to Proceed IFP or the case will remain closed.

BY THE COURT:

/s/ Maureen P. Kelly
MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

Date: November 12, 2014

cc: Michael A. Bailey
LC-4375
SCI Albion
10745 Route 18
Albion, PA 16475