

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>RODERICK JAMISON, Petitioner, vs. J.W. COX, in his capacity as Warden of Yankton Federal Prison Camp, Respondent.</p>	<p>4:20-CV-04201-KES ORDER DENYING PETITIONER'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</p>
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Petitioner, Roderick Jamison, filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Docket 1. This court dismissed Jamison's petition. Docket 25. Judgment was entered in favor of respondent on August 25, 2021. Docket 26. On September 2, 2021, Jamison filed a notice of appeal. Docket 27. He now moves for leave to proceed in forma pauperis and has included a prisoner trust account report. Dockets 28, 29.

The filing-fee provisions of the Prison Litigation Reform Act do not apply to habeas corpus actions. *Malave v. Hedrick*, 271 F.3d 1139, 1140 (8th Cir. 2001). To determine whether a habeas petitioner qualifies for in forma pauperis status, the court need only assess (1) whether the petitioner can afford to pay the full filing fee, and (2) whether the petitioner's appeal is taken in "good faith." 28 U.S.C. § 1915(a)(1), (3). Jamison's prisoner trust account report indicates that he has average monthly deposits to his prisoner trust account of

\$809.84 and an average monthly balance of \$20,249.99. Docket 29 at 1.

Jamison has sufficient funds to pay the \$505.00 appellate filing fees, so his motion for leave to proceed in forma pauperis is denied.

Thus, it is ORDERED:

1. That Jamison's motion for leave to proceed in forma pauperis, Docket 28, is denied.

Dated October 4, 2021

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE