

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

TIMOTHY WATTS, #356569	§	
VS.	§	CIVIL ACTION NO. 6:08cv291
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of Petitioner's motion to proceed *in forma pauperis* (dkt.#5).

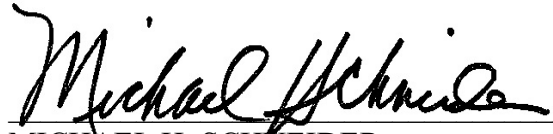
Petitioner filed objections to the Report. Petitioner contends that although his average balance for the past six months was \$146.71, he does not have \$5.00 now to pay the filing fee. This Court made a *de novo* review of this objection and determined that it lacks merit.

This Court finds that the Magistrate Judge's conclusions are correct, and adopts them as the Court's conclusions. The Court therefore

**ORDERS** that Petitioner's motion to proceed *in forma pauperis* (dkt.#2) is **DENIED**; and **ORDERS** Petitioner to pay the \$5.00 filing fee within thirty days of receiving this Order,

to proceed with this petition. Failure to pay the \$5.00 filing fee within thirty days may result in dismissal of the petition.

**SIGNED this 2nd day of September, 2008.**

A handwritten signature in black ink that reads "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath it.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE