

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEMAINE D. PETTUS,

Petitioner,

V.

STATE OF WASHINGTON,

Respondent.

CASE NO. 3:17-cv-05750-RBL-JRC

ORDER TO SHOW CAUSE

This case has been referred to the United States Magistrate Judge J. Richard Creature
ant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4.

Petitioner Jemaine D. Pettus filed a proposed 2254 habeas petition and an application to proceed *in forma pauperis*. Dkt. 1, 1-1, 1-2. Petitioner's application indicates that, as of August 16, 2017, petitioner has a total of \$565.93 in his prison trust account. Dkt. 1 at 3. His trust account statement indicates that he has \$44.54 as his spendable balance with an additional \$43.74 in his postage account, \$431.65 in savings, and a \$45.00 hold. *Id.* Because it appears that

1 petitioner may have sufficient funds to pay the \$5.00 filing fee for his habeas petition, he should
2 either do so or provide the court with an explanation of why he cannot.

3 Accordingly, petitioner is ordered to show cause why his application to proceed *in forma*
4 *pauperis* should not be denied **on or before October 27, 2017**. In the alternative, petitioner may
5 pay the \$5.00 filing fee before that date. Failure to show cause or pay the filing fee shall be
6 deemed a failure to properly prosecute this matter and the Court will recommend dismissal.

7 Dated this 4th day of October, 2017.

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10 J. Richard Creatura
United States Magistrate Judge
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