

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

Marvin Smith,

Petitioner,

v.

**CIVIL ACTION NO. 5:07cv81
(Judge Stamp)**

Warden, Huttonsville Correctional Center,

Respondent.

**ORDER
GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS**

On June 20, 2007, the petitioner, Marvin Smith, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. On June 26, 2007, in Response to a Notice of Deficient Pleading, the petitioner filed an application for leave to proceed *in forma pauperis* and a copy of his prisoner trust account report which reveals that as of June 22, 2007, he had an account balance of negative \$2.01.

Accordingly, it is **ORDERED** that the petitioner's application to proceed *in forma pauperis* (Doc. 5) is **GRANTED**.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner.

DATED: July 5, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE