

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LaMARCUS JONES,

Petitioner,

v.

Case No. 06-C-0312

WILLIAM POLLARD,

Respondent.

ORDER

Petitioner LaMarcus Jones has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He alleges that his confinement in the Green Bay Correctional Institution violates the Constitution. Petitioner has not paid the \$5 filing fee that ordinarily accompanies a petition for a writ of habeas corpus. Instead, he seeks leave to proceed *in forma pauperis*.

In his application to proceed *in forma pauperis*, petitioner states that he does not have a job but that he gets paid \$2 to \$3 every two weeks. His trust account statement indicates that he had \$3.60 in his account as of February 24, 2006, and that he made a \$15.37 commissary purchase on February 21, 2006. Based on this information, the court cannot conclude that petitioner lacks the funds to pay the \$5 filing fee. Accordingly, it must deny petitioner's application to proceed *in forma pauperis*. The court will, however, extend the deadline for payment of the filing fee by thirty days to ensure that petitioner is able to pay it, should he wish to proceed. No further action will be taken on the petition until the filing fee is paid.

IT IS THEREFORE ORDERED that petitioner's application to proceed *in forma pauperis* is hereby **DENIED**.

IT IS FURTHER ORDERED that petitioner shall have thirty days from the date of this Order to pay the \$5 filing fee in this case.

Dated this 16th day of March, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge