

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ELLIOT DON RAY,

Petitioner,

v.

Case No. 07-C-190

TIMOTHY LUNDQUIST,

Respondent.

ORDER

On February 28, 2007, Elliot Don Ray filed a petition pursuant to 28 U.S.C. § 2254, asserting that his current confinement violates the Constitution. Franklin is currently incarcerated at New Lisbon Correctional Institution. Ray did not pay the filing fee, but instead filed an Application to Proceed Without Prepayment of Fees and Affidavit. In support of his petition to proceed *in forma pauperis*, Ray submitted a statement of his prison trust account. However, the statement does not reflect his trust account's status and activity for the six months immediately preceding the filing of his habeas petition, as required by 28 U.S.C. § 1915(a)(2). Instead, the statement covers the time period between May 28, 2006, and November 28, 2006. Furthermore, it would appear that Ray can easily afford the \$5 filing fee for a petition seeking habeas relief, given that his submitted statement shows his trust fund balance was roughly \$75 as of November 28, 2006.

Accordingly, petitioner will be granted 21 days within which either to pay the required \$5 filing fee or to submit an updated trust fund statement and show cause as to why he cannot afford

the filing fee. Failure to take either action in the allotted time frame will result in denial of his application to proceed *in forma pauperis* and dismissal of his habeas petition.

SO ORDERED this 6th day of March, 2007.

s/ William C. Griesbach

William C. Griesbach

United States District Judge