

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WENDELL W. FAIRMAN, SR.

Plaintiff,

v.

CASE NO. 06-C-864

STATE OF WISCONSIN,

Defendant.

**ORDER DENYING PETITIONER'S MOTION TO PROCEED IN FORMA
PAUPERIS**

On August 11, 2006, Wendell W. Fairman, Sr. ("Fairman"), a prisoner incarcerated pursuant to a state court judgment, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and requested that he be able to proceed in forma pauperis.

The court looks first at McGee's request to proceed in forma pauperis ("IFP"). The filing fee for habeas corpus cases is only \$5.00. Accompanying Fairman's petition is his trust account statement for the period February 3, 2006 to August 3, 2006. It states that for this period he has had an average monthly balance of \$32.44 and an ending balance of \$31.56. Based upon this information the court concludes that the petitioner is able to pay the \$5.00 filing fee. Therefore, his request to proceed in forma pauperis will be denied. The petitioner shall be required to pay the \$5.00 filing fee within 30 days of this order. The petitioner's failure to pay the \$5.00 filing fee within 30 days will result in the petition being dismissed. Once the requisite filing fee is paid, the

court shall screen the petition in accordance with its obligation under Rule 4 of the Rule Governing Section 2254 Cases.

IT IS THEREFORE ORDERED that the petitioner shall pay the \$5.00 filing fee within **30 days** of this order. The petitioner's failure to timely pay the filing fee will result in this petition being dismissed.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2006.

s/AARON E. GOODSTEIN
United States Magistrate Judge