

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MATTHEW D. LEONARD,
and minor children E.E.L. and K.A.L.,

Petitioners,

Case No. 08-cv-00050-bbc

v.

ROBERT P. VANDEHEY, individually
and acting in his official capacity as circuit
judge of Grant County,

Respondent.

Matthew D. Leonard and minor children E.E.L. and K.A.L. have filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to Rule 3 of the Rules Governing Section 2254 Cases, the petition must be accompanied by:

- (1) the five dollar (\$5) filing fee; OR
- (2) a motion for leave to proceed *in forma pauperis*, the affidavit required by 28 U.S.C. § 1915, and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioners have in any account in the institution.

As of the date of this order, petitioners have not submitted either the filing fee or the paperwork necessary to support a determination that petitioners are entitled to proceed without paying the filing fee.

A copy of a blank application for leave to proceed *in forma pauperis* is being mailed to petitioners with this order. Petitioners should complete it and return it to the court on or before February 6, 2008. Alternatively, petitioners must submit the \$5 filing fee. The court will take no further action on the petition until petitioners return a completed application for leave to proceed *in forma pauperis* or submit the filing fee. If petitioners fail to make either of these submissions on or before February 6, 2008, the court will dismiss the petition for failure to prosecute.

Dated this 23rd day of January, 2008.

BY THE COURT:

/s/
Theresa M. Owens
Magistrate Judge