

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

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DAVID A. SELL,

Petitioner,

ORDER

v.

09-cv-704-bbc

ANA BOATWRIGHT, Warden,  
New Lisbon Correctional Institution,

Respondent.

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On November 23, 2009, this court entered an order directing petitioner David Sell to submit a six-month trust account fund statement from the institution in support of his application for leave to proceed in forma pauperis in this habeas corpus action. Petitioner also was directed to re-submit his § 2254 application on the court's standard form. Petitioner's deadline for making these submissions was December 15, 2009. It is now January 4, 2010 and the court has not received either a six-month trust account statement or a new petition from petitioner. Petitioner has, however, indicated that he requested the statement from the institution.

I will allow petitioner an additional two weeks, or until January 19, 2010, to submit his six-month trust account statement and a completed copy of this court's standard § 2254 form. Instead of submitting the trust account statement, petitioner may pay the \$5 filing fee. If by January 19, 2010 petitioner fails to either pay the fee or submit the trust account statement or fails to submit a completed § 2254 form, then the court will dismiss the petition for failure to prosecute.

ORDER

IT IS ORDERED that petitioner David Sell has until January 19, 2010 in which to submit the \$5 filing fee or a six-month trust account statement from the institution, along with a completed copy of this court's standard § 2254 form.

Entered this 4<sup>th</sup> day of January, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge