

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

ROBERT MCNAIRY,

Petitioner,

v.

MR. WARD WAEDEN,

Respondent.

ORDER

Case No. 15-cv-097-jdp

Petitioner Robert McNairy, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has neither paid the \$5 filing fee nor requested leave to proceed without prepayment of the filing fee. For this case to move forward, petitioner must pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than March 6, 2015. In the event that petitioner requests leave to proceed without prepayment, a certified copy of petitioner's inmate trust fund account statement for the six-month period immediately preceding the filing of the habeas corpus petition must be submitted. The federal *in forma pauperis* statute does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether petitioner qualifies as indigent, any motion for leave to proceed without prepayment of the filing fee must include a certified copy of an inmate trust fund account statement (or institutional equivalent) for the six-month period beginning approximately August 10, 2014 through the date of the petition, February 10, 2015.

If petitioner does not submit either the \$5 payment or a motion for leave to proceed without prepayment before March 6, 2015, I will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the petition without further notice.

ORDER

IT IS ORDERED that:

1. No later than March 6, 2015, petitioner Robert McNairy, shall pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee together with a certified copy of petitioner's inmate trust fund account statement for the six-month period from the date of the habeas petition (February 10, 2015 through at least August 10, 2014).

2. If petitioner fails to pay the \$5 filing fee, comply as directed, or show cause for failure to do so, this case will be dismissed without further notice.

Entered this 13th day of February, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge