

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

JAMES A. LEWIS,

Petitioner,

v.

GARY BOUGHTON,

Respondent.

ORDER

Case No. 18-cv-83-jdp

Petitioner James A. Lewis seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner requests leave to proceed without prepayment of the filing fee. Petitioner has supported this request with an affidavit of indigency and a six-month trust account statement from the institution.

In determining whether to allow a prisoner to proceed without prepayment, this court uses the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from petitioner's trust fund account statement, I find that petitioner is able to pay the filing fee. Accordingly, I will deny petitioner's application for leave to proceed without prepayment of the filing fee. To proceed further on this habeas petition, petitioner must pay the \$5 filing fee. If petitioner fails to pay the fee by March 2, 2018, the petition, I will assume that petitioner wishes to withdraw this petition.

ORDER

IT IS ORDERED that:

1. Petitioner James A. Lewis's motion for leave to proceed without prepayment of the filing fee is DENIED. Petitioner has until March 2, 2018 in which to pay the \$5 filing fee.

2. If by March 2, 2018 petitioner fails to submit the \$5 filing fee, I will assume that petitioner wishes to withdraw this petition.

Entered this 8th day of February, 2018.

BY THE COURT:

PETER OPPENEER
Magistrate Judge