

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

TONY B. OLIVER,

Petitioner,

ORDER

v.

03-C-433-C

DAN BENIK, Warden, Stanley Correctional
Institution,

Respondent.

Petitioner Tony B. Oliver has filed a notice of appeal from this court's judgment of January 9, 2004 denying his petition for a writ of habeas corpus. Because petitioner has not paid the filing fee of \$255, I presume that he is seeking leave to proceed on appeal without prepaying the filing fee. However, petitioner has not submitted an affidavit to support his claim of pauper status, as required by 28 U.S.C. § 1915(a)(1). (He paid the five dollar filing fee for his habeas petition.) Accordingly, this court will take no action on petitioner's appeal until he returns the enclosed affidavit in support of his request to proceed in forma pauperis or pays the \$255 filing fee.

ORDER

IT IS ORDERED that action on petitioner Tony B. Oliver's notice of appeal is STAYED until he submits an affidavit supporting his request to proceed in forma pauperis

or pays the \$255 filing fee. If petitioner fails to submit either the affidavit or the filing fee by March 1, 2004, the court is likely to dismiss his appeal for failure to prosecute it.

Dated this 17th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge