

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

MARCUS D. HAWKINS

Petitioner,

ORDER

v.

08-cv-226-slc

GREGORY GRAMS, Warden,
Columbia Correctional Institution,

Respondent.

Petitioner Marcus Hawkins, an inmate at the Columbia Correctional Institution, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks leave to proceed *in forma pauperis*.

In determining whether to allow a prisoner to proceed *in forma pauperis*, this court uses the following formula. First, the court determines petitioner's average monthly deposits and his average monthly balances for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, the petitioner is not eligible for indigent status and will have to prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, he will be required to prepay whatever portion less than \$5 has been calculated.

Applying this formula to petitioner, I find that he is able to pay the filing fee. According to the trust account statement, in the past six months petitioner's monthly balance has averaged \$1,147.07. His average monthly deposits are \$105.40. Twenty percent of the greater of these

two figures is \$229.41. Accordingly, petitioner must pay the \$5 filing fee before this court will consider his habeas petition.

ORDER

IT IS ORDERED that petitioner's application for leave to proceed *in forma pauperis* is DENIED. Petitioner has until June 16, 2008 in which to pay the filing fee. If he fails to submit the \$5 fee by that date, his petition will be dismissed for failure to prosecute.

Entered this 16th day of May, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge