

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

SAMUEL HAYWOOD MYLES,

Petitioner,

v.

ROBERT WERLINGER,
Warden, Oxford Federal Correctional Institution,

Respondent.

ORDER

13-cv-16-bbc

Petitioner Samuel Myles, a prisoner at the Oxford Correctional Institution in Oxford, Wisconsin, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. He has not paid the \$5 filing fee or submitted a certified copy of his six-month trust fund account statement. In the cover letter to his petition, petitioner says that a \$5.00 money order to pay the filing fee has been sent to this district court on his behalf. To this date, the court has not received any payment on behalf of petitioner. In the event that petitioner would like to pursue leave to proceed *in forma pauperis*, I would need a copy of his most recent six-month trust fund account statement so that I could determine whether petitioner is indigent for the purpose of filing a § 2241 petition. *Longbehn v. United States*, 169 F.3d 1082 (7th Cir. 1999). Petitioner's trust fund account statement should cover the six-month period beginning approximately July 7, 2012 and ending approximately January 7, 2013.

In any event, petitioner should act quickly. If, by February 21, 2013, petitioner does not submit either the \$5 payment or a trust fund account statement for the last six months, I will assume that he wishes to withdraw this action voluntarily and I will dismiss the petition without prejudice to his filing his case at a later date. Petitioner should show a copy of this order to

prison officials so that they are aware they should send either the \$5 filing fee or the required trust fund account statement to this court.

ORDER

IT IS ORDERED that petitioner Samuel Myles may have until February 21, 2013, in which to submit a trust fund account statement for the period beginning approximately July 7, 2012 and ending approximately January 7, 2013. Alternatively, petitioner may have until February 21, 2013, in which to pay the \$5 fee for filing his petition. If, by February 21, 2013, petitioner does not pay the filing fee or submit the required trust fund account statement, the clerk of court is directed to close this case for petitioner's failure to prosecute.

Entered this 30th day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge