

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

LEON TYRONE HARDY,

Petitioner,

ORDER

v.

07-C-004-C

STATE OF WISCONSIN, Department of
Probation and
RYAN HARTWIG,

Respondents.

Petitioner Leon Tyrone Hardy has filed a petition for a writ of habeas corpus challenging the rules of his state probation. (He has also filed a motion for a temporary restraining order or preliminary injunction in which he seeks immediate release from his placement at the Rock Valley Correctional Program. Because his request for injunctive relief essentially duplicates his request for habeas relief, I have considered it as part and parcel of his habeas application.) Challenges to conditions of parole or probation made by a state prisoner are properly brought under 28 U.S.C. § 2254. *Williams v. Wisconsin*, 336 F.3d 576, 579 (7th Cir. 2003). However, petitioner has neither paid the five dollar fee for filing such petitions nor has he filed the affidavit of indigency required by Rule 3 of the Rules Governing Section 2254 Cases. Although I have no reason to doubt petitioner's assertion that he is indigent, he must complete this form before the court may consider his petition.

A copy of a blank application for leave to proceed *in forma pauperis* is being mailed to petitioner with this order. Petitioner should complete it and return it to the court within 20 days from the date of this order. Alternatively, petitioner must submit the \$5 filing fee. The court will take no further action on the petition until petitioner returns a completed application for leave to proceed *in forma pauperis* or submits the filing fee. If petitioner fails to make either of these submissions within 20 days from the date of this order, the court will dismiss the petition for failure to prosecute.

Entered this 4th day of January, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge