

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

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MIQUEL BROWN,

Petitioner,

ORDER

v.

07-C-0174-C

CATHERINE FARREY, Warden,  
New Lisbon Correctional Institution,

Respondent.

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Miquel Brown, an inmate the New Lisbon Correctional Institution, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has not paid the \$5 filing fee, but has submitted a trust account statement from the institution covering the six-month period immediately preceding the filing of the petition. I presume that 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 \$49.57. His average monthly deposits are \$67.74. Twenty percent of the greater of these two figures, \$67.74, is \$13.55. Accordingly, petitioner must pay the \$5 filing fee before this court will consider his habeas petition.

#### ORDER

IT IS ORDERED that Miquel Brown's application for leave to proceed in forma pauperis is DENIED. Petitioner has until April 15, 2007, 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 2<sup>nd</sup> day of April, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge