

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

RONALD P. LANE,

Petitioner,

ORDER

v.

3:07-cv-00679-bbc

MICHAEL THURMER, Warden,
Waupun Correctional Institution,

Respondent.

Petitioner Ronald Lane, a prisoner at the Waupun Correctional Institution, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner requests leave to proceed in forma pauperis. Petitioner has supported his request with an affidavit of indigency and a six-month trust account statement from the institution.

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 prepay the filing fee. According to the trust account statement, in the past six months petitioner's monthly

balance has averaged \$42.37. (Although I have not calculated his average monthly deposits, a cursory review of the trust account statement indicates that this amount would be greater than petitioner's average monthly balance.) Twenty percent of this figure is \$8.47. Because this amount is more than \$5, petitioner must prepay the filing fee before this court will review his petition.

ORDER

IT IS ORDERED that the application of Ronald P. Lane for leave to proceed in forma pauperis is DENIED. Petitioner must prepay the \$5 filing fee. Petitioner has until December 27, 2007 to pay this amount. If he fails to submit the filing fee by December 27, 2007, his habeas petition may be dismissed for failure to prosecute it.

Entered this 6th day of December, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge