

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

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LISA M. HARDING,

Petitioner,

v.

DONNA ZICKEFOOSE,

Respondent.  
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ORDER

08-cv-168-bbc

Petitioner Lisa M. Harding is a prisoner at the Federal Correctional Institution in Danbury, Connecticut. She has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in this court and requests leave to proceed in forma pauperis. She supports her request for leave to proceed in forma pauperis with an affidavit of indigency and a trust fund account statement covering the six-month period immediately preceding the filing of the petition.

In determining whether a petitioner is indigent for the purpose of filing a § 2241 petition, this court calculates the average monthly deposits and the average monthly balances in the petitioner's prison account for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, then the petitioner is not eligible for indigent status and must prepay all of the \$5 filing fee. If 20% of the greater of these two figures is

less than \$5, the petitioner must prepay whatever portion of \$5 the 20% calculation works out to be.

Petitioner's trust fund account statement reveals that she has deposits totaling \$290.26 to her prison account over the last six-month period, for an average monthly deposit of \$48.38. It is unnecessary to calculate petitioner's monthly balances for the same six-month period, because regardless which amount is greater, she does not qualify for indigent status. Twenty percent of \$48.38 is \$9.68, which is more than the \$5 filing fee.

#### ORDER

IT IS ORDERED that petitioner Lisa Harding's request for leave to proceed in forma pauperis in this case is DENIED. Petitioner may have until April 30, 2008, in which to submit a check or money order made payable to the clerk of court in the amount of \$5 to cover the fee for filing her petition. If, by April 30, 2008, petitioner fails to pay the fee or show cause why she is unable to do so, then the clerk of court is directed to close this file for petitioner's failure to prosecute.

Entered this 9th day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge