

FOR THE WESTERN DISTRICT OF WISCONSIN

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ROGER LEE REED,

Petitioner,

v.

CAROL HOLINKA,

Respondent.

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ORDER

10-cv-294-wmc

On June 2, 2010, this court entered an order directing petitioner to submit a copy of his six-month trust fund account statement so that a determination may be made whether he is indigent for the purpose of filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In the same order, I explained to petitioner that he would not be eligible for indigent status if either 20% of his average monthly deposits or average monthly balances is \$5 or more.

Petitioner's trust fund account statement reveals that he has deposits totaling \$367.73 to his prison account over the last six-month period, for an average monthly deposit of \$61.29. It is unnecessary to calculate petitioner's monthly balances for the same six-month period, because regardless which amount is greater, he does not qualify for indigent status. Twenty percent of \$61.29 is \$12.26, which is more than the \$5 filing fee.

Accordingly, IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis in this case is DENIED. Petitioner may have until July 15, 2010, 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 his petition. If, by July 15, 2010, petitioner fails to pay the fee or show cause why he is unable to do so, then the clerk of court is directed to close this file for petitioner's failure to prosecute.

Entered this 24<sup>th</sup> day of June, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge