

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

DONALD J. ALFORD,

Petitioner,

v.

R. WERLINGER,
Warden, F.C.I. Oxford

Respondent.

ORDER

12-cv-607-wmc

Petitioner Donald Alford, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner asks for 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 deposits have averaged \$136.51. Twenty percent of this figure is \$27.30. Accordingly, I will deny petitioner's application for leave to proceed *in forma pauperis*. To proceed further on his habeas petition, petitioner must pay the \$5 filing fee. If he fails to pay the fee by September 21, 2012, his petition will be dismissed for his failure to prosecute it.

ORDER

IT IS ORDERED that petitioner Donald Alford's request for leave to proceed *in forma pauperis* is DENIED. Petitioner has until September 21, 2012 in which to pay the \$5 filing fee. If he fails to submit the fee by September 21, 2012, the clerk of court is directed to close this case for petitioner's failure to prosecute.

Entered this 29th day of August, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge