

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

ALLEN JOHNSON,

Petitioner,

v.

**CIVIL ACTION NO. 5:07cv139
(Judge Stamp)**

**TERESA WAID, Warden
Huttonsville Correctional Center,**

Respondent.

**ORDER
GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS**

On October 22, 2007, the petitioner, Allen Johnson, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 in the United States District Court for the Southern District of West Virginia. In addition, the petitioner filed a Motion for Leave to Proceed *in forma pauperis*. By order dated October 24, 2007, the matter was transferred to this court because it concerns the petitioner's conviction in the Circuit Court of Hancock County, West Virginia. On October 31, 2007, a Notice of Deficient Pleading was sent to the petitioner directing him to file a Prisoner Trust Account Report. On November 13, 2007, the petitioner filed his Prisoner Trust Account Report with ledger sheets which reveal that at the time he filed his petition, he had an account balance of \$0.02.

Accordingly, it is **ORDERED** that the petitioner's motion to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner.

DATED: November 20, 2007.

/s/ James E. Seibert
**JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE**