

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

DAVID ANTHONY HARRIS,

Petitioner,

v.

**Civil No. 3:07cv163
(Judge Bailey)**

WARDEN JOE DRIVER,

Respondent.

**ORDER GRANTING SECOND EXTENSION OF TIME
TO PAY THE \$5.00 FILING FEE**

On December 12, 2007, the *pro se* petitioner initiated this case by filing a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. On that same date, the plaintiff filed a Motion for Leave to Proceed *in forma pauperis* and a sealed Prisoner Trust Fund Account Statement. On December 13, 2007, an Order was entered granting the petitioner *in forma pauperis* status but requiring him to pay the **\$5.00** filing fee with thirty (30) days.

On January 7, 2008, the petitioner filed a letter which was docketed as a Motion for an Extension of time to pay the filing fee. That Motion was granted on January 8, 2008, and the petitioner was given an additional thirty (30) days to pay the fee.

On February 4, 2008, the plaintiff filed a letter which was docketed as a Second Motion for an extension of time to pay the filing fee. In the letter, petitioner notes that his sister had sent a personal check for the filing fee that was returned by the Clerk because only money orders are accepted. Accordingly, for good cause shown, the petitioner's Second Motion (Doc. 15) is **GRANTED**, and he shall have an additional thirty (30) days from entry of this Order to pay the

\$5.00 filing fee.

Failure to pay the \$5.00 fee within the required time period will result in a recommendation that his case be dismissed.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner by certified mail, return receipt requested, to his last know address as reflected on the docket sheet.

Dated: February 7, 2008.

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