

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

JAMES KEPLINGER,

Petitioner,

v.

**Civil Action No. 3:07cv168
(Judge Bailey)**

K. DEBOO, Warden,

Respondent.

**ORDER GRANTING IFP BUT DIRECTING
PETITIONER TO PAY THE \$5.00 FILING FEE**

On December 20, 2007, the *pro se* petitioner initiated this case by filing a letter seeking his release to a Community Corrections Center. The petitioner's letter was construed as a petition for writ of habeas corpus under 28 U.S.C. § 2241 and opened accordingly. This case is now before the Court on the petitioner's Motion to Proceed In Forma Pauperis ("IFP") and Prisoner Trust Account Report with attached ledger sheets.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of IFP status pursuant to 28 U.S.C. § 1915. Therefore, if a petitioner submits a certified copy of his trust fund statement for the six-month period immediately preceding the filing of the action, then the Court may consider his request.

In this case, the petitioner asserts in his affidavit that he is employed by the institution at which he is incarcerated and that he receives monthly monetary gifts from his father. However, the petitioner also asserts that he has no assets or other sources of income. A review of the ledger sheets for the petitioner's inmate account confirms his statements in the affidavit. In fact, the petitioner's

ledger sheets show that during the six months preceding the filing of this action, the petitioner's inmate account received average monthly deposits of \$172.98.

Accordingly, although the Court finds that the petitioner is a pauper and **GRANTS** his IFP motion (dckt. 4), because the petitioner earns and receives sufficient funds to pay the \$5.00 filing fee, he will be required to pay that fee within **twenty (20) days** from the date of this Order. The failure to do so could result in the dismissal of this case without further notice.

IT IS SO ORDERED.

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

DATED: January 8, 2008.

John S. Kaul
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE