

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KEVIN M. JONES,

Petitioner,

v.

CASE NO. 05-3182-RDR

E.J. GALLEGOS,

Respondent.

O R D E R

Petitioner proceeds pro se on a petition for writ of habeas corpus under 28 U.S.C. § 2241. The court dismissed the petition and denied petitioner's motion to alter and amend the judgment entered in this case. Petitioner filed a notice of appeal, and has filed a motion for leave to proceed in forma pauperis in his appeal.

The rules for this court provide that absent exceptional circumstances, leave to proceed in forma pauperis may be denied if the assets in a plaintiff's institutional account exceeds \$150.00. D.Kan. Rule 9.1(g). Having reviewed petitioner's inmate trust account record, the court denies petitioner's motion for leave to proceed in forma pauperis on appeal. Petitioner clearly has sufficient funds to pay the \$255.00 appellate filing fee, and no exceptional circumstances relative to petitioner's ability to pay that fee are identified or apparent to the court.

IT IS THEREFORE ORDERED that petitioner's motion for leave to proceed in forma pauperis (Doc. 15) is denied.

IT IS FURTHER ORDERED that petitioner is granted thirty (30)

days to pay the full \$255.00 filing fee for his appeal.

DATED: This 17th day of March 2006, at Topeka, Kansas.

s/ Richard D. Rogers
RICHARD D. ROGERS
United States District Judge