

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HARVEY L. ROSS,

Petitioner,

vs.

CIVIL ACTION
No. 12-3085-SAC

JAMES HEIMGARTNER and
DEREK SCHMIDT,

Respondents.

MEMORANDUM AND ORDER

This matter comes before the court on a petition for habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner moves for leave to proceed in forma pauperis (Doc. 3) and for an extension of time to submit a memorandum in support of the petition (Doc. 4).

Because the financial certificate attached to the motion to proceed in forma pauperis reflects a balance in excess of \$900.00 in petitioner's institutional account, the court concludes petitioner has the financial resources to pay the filing fee¹ and denies the motion.

Petitioner also seeks an extension of ninety days to submit a memorandum in support of the application for habeas corpus

¹See 28 U.S.C. § 1914(a).

relief. The court finds good cause for the request.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion for leave to proceed in forma pauperis (Doc. 3) is denied. Petitioner is directed to submit the \$5.00 filing fee to the clerk of the court on or before May 11, 2012.

IT IS FURTHER ORDERED the motion for an extension of time (Doc. 4) is granted. The time for filing a memorandum in support is extended to and including July 6, 2012.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 11th day of April, 2012.

S/ Sam A. Crow
SAM A. CROW
United States Senior District Judge