

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

07cv578ifp

EDWARD LEVI SINGER

V.

PRISONER

CASE NO. 3:07CV578 (SRU)

BRUCE CUSCOVITCH, ET AL.

RULING ON MOTION TO PROCEED IN FORMA PAUPERIS

The petitioner is an inmate at the Carl Robinson Correctional Institution in Enfield, Connecticut. He moves the court for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 in this habeas corpus petition. For the reasons set forth below, the petitioner's motion to proceed in forma pauperis is DENIED.

It is well settled that the decision to proceed in forma pauperis in civil cases is committed to the sound discretion of the district court. See Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 217-18 (1993); Monti v. McKeon, 600 F. Supp. 112, 113 (D. Conn. 1984), aff'd mem. 788 F.2d 1 (2d Cir. 1985). In exercising this discretion under § 1915(a), the district court must determine whether the burden of paying the fees for filing and service would either hamper the petitioner's ability to obtain the necessities of life or force him to abandon the action. See Adkins v. E.I. Dupont de Nemours & Co., 335 U.S. 331, 339-40 (1948); Potnick v. Easter State Hospital, 701 F.2d 243, 244 (2d Cir. 1983).

At the time of filing this action, the balance in the petitioner's inmate account was \$78.36. Furthermore, as a prisoner, the petitioner bears no costs for room or board. From this information, this court can discern no reason why requiring this petitioner to pay the \$5.00 filing fee to commence this action would force him to forego the necessities of life or abandon this action. Potnick, 701 F.2d at 244. The petitioner has not demonstrated a substantial showing of indigence which is required before in forma pauperis status may be granted under § 1915.

In light of the financial information submitted by the petitioner, it would be inappropriate to permit the action to proceed in this court, without payment of fees, under 28 U.S.C. § 1915. The Court notes that the petitioner's habeas corpus petition will be deemed filed as of April 16, 2007, the date it was received in the Clerk's Office, so long as the filing fee is submitted within the time allotted by this order.

Accordingly, the petitioner's Motion for Leave to Proceed in Forma Pauperis [**doc. # 1**] is **DENIED**. All further proceedings in the matter shall be held in abeyance for 30 days pending the petitioner's delivery of the filing fee in the amount of \$5.00 (cash, money order or bank check made payable to the Clerk of Court) to the Clerk's Office, 915 Lafayette Blvd., Bridgeport, Connecticut, 06604. Failure to tender the filing fee within 30 days of this Order will result in the dismissal of this action.

