

STATE OF MINNESOTA  
IN COURT OF APPEALS

**FILED**

June 4, 2018

**OFFICE OF  
APPELLATE COURTS**

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Michael Carlton Lowe, petitioner,

Appellant,

vs.

Tom Roy, Commissioner of Corrections,

Respondent.

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**ORDER**

#A18-0589

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. On April 12, 2018, appellant filed a notice of appeal from a February 26, 2017 order denying his petition for a writ of habeas corpus. Appellant is self-represented.
2. By notice of case filing issued April 16, 2018, the clerk of the appellate courts notified appellant of several deficiencies in the appeal. Appellant failed to file a statement of the case with proof of service on respondent's counsel and on the district court administrator, failed to provide proof of service of the notice of appeal on the respondent's counsel, and failed to pay the \$550 filing fee.
3. Appellant was given ten days to remedy the deficiencies but failed to do so.
4. In a May 11, 2018 order this court gave appellant until June 1, 2018, to (a) pay the \$550 filing fee or file an order from the district court granting leave to proceed in forma pauperis in connection with this appeal; (b) file proof that the notice of appeal was served on respondent's counsel; and (c) file a statement of the case that conforms with

Minn. R. Civ. App. P. 133.03 and Form 133, with proof of service on respondent's counsel and the district court administrator.

5. The May 11, 2018 order also advised appellant that failure to comply will result in dismissal of the appeal without further notice.

6. On May 25, 2018, appellant filed with the clerk of the appellate courts a statement of the case and a motion to suspend the time period for paying the \$550 filing fee. In the motion, appellant states that an extension of the time to pay the filing fee is necessary because he is waiting for a decision from the district court on his application to proceed in forma pauperis in the court of appeals.

7. According to the district court register of actions, on May 25, 2018, appellant filed with the district court administrator a statement of the case and an affidavit seeking leave to proceed in forma pauperis in the court of appeals.

8. The district court register of actions reflects that, on May 30, 2018, the district court denied appellant's application to proceed in forma pauperis in the court of appeals because the action is frivolous. Given the district court's order, the motion for an extension of time to pay the \$550 filing fee will be denied.

9. More than seven weeks after this appeal was filed and appellant was directed to file proof that a notice of appeal and statement of the case were served on respondent's counsel, appellant still has not remedied these service deficiencies.

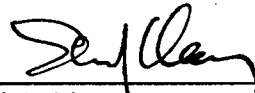
10. Dismissal of this appeal is warranted.

**IT IS HEREBY ORDERED:**

1. Appellant's motion for an extension of time to pay the filing fee is denied.
2. This appeal is dismissed.

**Dated:** June 4, 2018

**BY THE COURT**

A handwritten signature in black ink, appearing to read 'Ed Cleary', is written over a horizontal line.

Edward J. Cleary  
Chief Judge

STATE OF MINNESOTA

IN SUPREME COURT

A18-0589

**FILED**

August 21, 2018

**OFFICE OF  
APPELLATE COURTS**

Michael Carlton Lowe,

Petitioner,

vs.

Tom Roy, Commissioner of Corrections,

Respondent.

**ORDER**

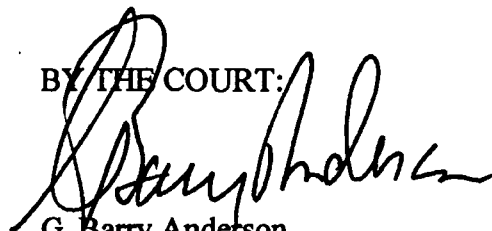
Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the motion of Michael Carlton Lowe for leave to proceed in forma pauperis for purposes of the filing fee for the petition for review be, and the same is, granted.

IT IS FURTHER ORDERED that the petition of Michael Carlton Lowe for further review be, and the same is, denied.

Dated: August 21, 2018

BY THE COURT:

A handwritten signature in black ink, appearing to read "G. Barry Anderson", is written over the printed name.

G. Barry Anderson  
Associate Justice

**Additional material  
from this filing is  
available in the  
Clerk's Office.**