

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TONY WALKER,

Plaintiff,

v.

DANIEL R. BERTRAND, JEFFREY JAEGER,  
MICHAEL DELVAUX, LAURIE WEIER,  
WENDY BRUNS and JENNIFER VOELKEL,

Defendants.

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ORDER

00-C-0350-C

Judgment was entered in this case on July 28, 2003, granting defendants' motion for summary judgment and closing this case. Subsequently, plaintiff filed a notice of appeal from the judgment and requested leave to proceed on appeal in forma pauperis. Plaintiff is a prisoner at the Fox Lake Correctional Institution and is subject to the 1996 Prison Litigation Reform Act. Under the act, I am required to deny his request for leave to proceed in forma pauperis if he has three strikes against him under 28 U.S.C. § 1915(g), if his appeal is certified as not having been taken in good faith, or if plaintiff fails to show that he is financially eligible to proceed in forma pauperis.

In an order entered on September 8, 2003, Magistrate Judge Stephen Crocker noted

that I did not intend to certify that plaintiff's appeal was not taken in good faith and that plaintiff does not have three strikes against him under 28 U.S.C. § 1915(g). However, he noted also that plaintiff had not submitted a trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal as required under 28 U.S.C. § 1915(b), Magistrate Judge Crocker gave plaintiff until September 26, 2003, in which to submit the necessary statement. The magistrate judge cautioned plaintiff that if, by September 26, 2003, he failed to submit the required statement or show cause for his failure to do so, then I would rule on the question whether his request for leave to proceed in forma pauperis should be denied for his failure to show that he is entitled to indigent status on appeal. Plaintiff has not submitted the required statement.

#### ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis in this case is DENIED for plaintiff's failure to show that he is entitled to indigent status on appeal. Nevertheless, because he filed a notice of appeal, plaintiff is required under the 1996 Prison Litigation Reform Act to pay the \$105 fee for filing his appeal. The filing fee must be paid

from plaintiff's inmate account in monthly installments pursuant to 28 U.S.C. § 1915(b)(2).

Entered this 6th day of October, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge