

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK J. WRIGHT,

Defendant.  
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ORDER

03-C-0709-C  
00-CR-0098-C

Defendant has written to the court to request that the clerk refund to his parents \$250 of the \$255 fee he owed for filing an appeal from this court's February 23, 2006 judgment dismissing his successive § 2255 motion for lack of jurisdiction. According to defendant, his parents paid the fee just after the court of appeals issued its order dismissing defendant's appeal. In defendant's view, "it is an error of accounting to charge one for a case which has been previously dismissed." Defendant is wrong.

A litigant's responsibility to pay the docketing fee for an appeal occurs the moment the appeal is filed. Defendant filed his appeal and asked for leave to proceed in forma pauperis. I denied his request and certified that his appeal was not taken in good faith.

Even if I had granted his request for leave to proceed in forma pauperis, however, he would owe the filing fee. “All § 1915 has ever done is excuse prepayment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible.” Abdul-Wadood v. Nathan, 91 F.3d 1023, 1025 (7th Cir. 1996). In this case, defendant’s parents graciously assumed responsibility for paying defendant’s debt. There is no basis on which to reimburse it.

ORDER

IT IS ORDERED that defendant’s request that the clerk reimburse his parents for the \$250 payment they submitted to cover the docketing costs of his appeal is DENIED.

Entered this 18th day of August, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge