

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

JERRY CHARLES,

Plaintiff,

v.

DICK VERHAGEN and JON LITSCHER,

Defendants.

ORDER

01-C-253-C

Presently before the court is plaintiff's notice of appeal from the judgment entered herein on August 30, 2002. Because the notice is not accompanied by the \$105 fee for filing his appeal, I construe plaintiff's notice to include a request for leave to proceed on appeal in forma pauperis. Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him and I do not intend to certify that his appeal is not taken in good faith.

The only other hurdle to plaintiff's proceeding with his appeal in forma pauperis is the requirement that he make an initial partial payment of the filing fee that has been

calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Plaintiff has not submitted the necessary trust fund account statement.

Accordingly, IT IS ORDERED that plaintiff may have until November 20, 2002, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately April 10, 2002, to approximately October 10, 2002. If, by November 20, 2002, plaintiff fails to submit the required statement or show cause for his failure to do so, then I will advise the court of appeals of his non-compliance so that it may take whatever action is necessary with respect to his appeal.

Entered this 30th day of October, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge