

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

MARCIAL L. CHAIREZ,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

02-C-0456-C

In an order entered on August 16, 2002, I gave plaintiff Marcial L. Chairez until September 5, 2002, in which to submit either \$150 for his initial filing fee and \$105 for his appeal in this case or a trust fund account statement for the past six months. I advised plaintiff that if I determined from his trust fund account statement that he qualified for in forma pauperis status, I would assess an initial partial payment of both fees, which he would have to pay before he could proceed further. Chairez did not pay the filing fees for his complaint and appeal. However, he has submitted an affidavit of indigency bearing certification from a prison official at the Federal Correctional Institution in Pekin, Illinois that plaintiff has a present balance in his inmate account of \$304.74, to which is attached a printout of a Federal Bureau of Prisons web page confirming that as of September 4, 2002, plaintiff had a balance in his prison account of \$304.74 and that he has received deposits totaling \$1434.63 over the past six months. I accept the web page printout from a Bureau of Prisons as being sufficiently reliable to constitute a

“trust fund account statement” within the meaning of 28 U.S.C. § 1915. From the statement, I conclude that plaintiff is indigent. This means that plaintiff may take advantage of the partial payment provision in § 1915 to pay both the \$150 fee for filing his complaint and the \$105 fee for filing his appeal, beginning with an initial partial payment for each fee in the amount of \$47.82.

ORDER

IT IS ORDERED that plaintiff Marcial L. Chairez may have until October 7, 2002, in which to submit a check or money order to the clerk of court in the amount of \$95.64. The clerk of court is to apply \$47.82 of this amount as an initial partial payment of the fee for filing this case and the remaining \$47.82 as an initial partial payment of the fee for filing an appeal. After payment of the initial partial payments, plaintiff will have to pay the remainder of each fee in monthly installments pursuant to 28 U.S.C. § 1915(b)(2).

Further, IT IS ORDERED that if, by October 7, 2002, plaintiff fails to pay the sum directed above or show cause for his failure to do so, then I will notify the Court of Appeals for the Seventh Circuit of plaintiff’s failure to pay the initial partial payment of the fee for taking an appeal so that it may take whatever action it believes is appropriate with respect to the appeal.

Entered this 16th day of September, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge