

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

CHRISTOPHER McSWAIN,

Petitioner,

ORDER

v.

02-C-525-C

STATE OF WISCONSIN, JON E.
LITSCHER and GARY R. McCAUGHTRY,

Respondents.

In an order entered in this case on October 2, 2002, I assessed petitioner Christopher McSwain an initial partial payment of the \$150 fee for filing his case in the amount of \$17.60. Petitioner was directed to pay this amount no later than October 22, 2002, and was cautioned that if he failed to do so, I would assume he wished to withdraw the action voluntarily and the case would be closed. Petitioner did not submit the required payment and his case was closed on November 6, 2002. Now, without explanation, petitioner has submitted a check in the amount of \$9.78. This amount is not enough to satisfy the assessment petitioner was directed to pay on October 2, 2002, which was calculated in accordance with the formula established by Congress in 28 U.S.C. § 1915. Petitioner still must pay \$7.82 before I will consider reopening this case.

Accordingly, petitioner may have until December 12, 2002, in which to submit a check or money order made payable to the clerk of court in the amount of \$7.82 which is designated as payment for the remainder of the initial partial payment he was assessed in this case. If petitioner complies with this

deadline, I will reopen the case and screen petitioner's complaint on the merits pursuant to 28 U.S.C. § 1915(e)(2). Otherwise, the case will remain closed.

Entered this 14th day of November, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge