

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

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PATRICK A. FLAYTER,

Plaintiff,

ORDER

00-C-429-C

v.

STATE OF WISCONSIN DEPARTMENT OF  
CORRECTIONS; MICHAEL J. SULLIVAN,  
Secretary, Department of Corrections;  
SHARON ZUNKER, Director of Bureau of  
Correctional Health Services; DR. THOMAS MALLOY,  
Medical Consultant; DR. GEORGE M. DALEY,  
Medical Consultant; DR. VICTOR  
GUZMAN, Treating Physician; PAT SIEDSCHLAG,  
Manager of Health Services Unit; CONNIE WIERSMA,  
Program Assistant for Health Services Unit;  
JEFFREY ENDICOTT, Warden at Columbia  
Correctional Institution; and DR. ROBERT COONEY,  
Treating Physician.

Defendants.

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Plaintiff has requested leave to proceed in forma pauperis on appeal. In an order entered herein on November 2, 2000, I found that plaintiff is not barred from taking an appeal in forma pauperis under the “three-strike” provision in 28 U.S.C. § 1915(g) and I stated that

I would not certify his appeal as being taken in bad faith. However, because plaintiff is a prisoner, he cannot proceed in forma pauperis on appeal unless he is indigent and, if he is indigent but has an income, unless he pays an initial partial payment of the fee for filing his appeal. Because plaintiff had not submitted a trust fund account statement with his notice of appeal, I could not make such a determination or assess an initial partial payment of the fee. Now plaintiff has submitted the required trust fund account statement. From the statement, I conclude that he qualifies for indigent status, and that he must pay an initial partial payment to the clerk of this court in the amount of \$10.81.

#### ORDER

IT IS ORDERED that plaintiff Flayter may have until December 5, 2000, in which to submit a check or money order made payable to the Clerk of Court in the amount of \$10.81 as an initial partial payment of the fee for filing his appeal. The remainder of the \$105 fee must be paid in monthly installments according to 28 U.S.C. § 1915(b)(2).

If, by December 5, 2000, plaintiff fails to pay the initial partial payment, I will notify

the court of appeals so that it may take whatever action it deems appropriate with respect to this appeal.

Entered this 21st day of November, 2000.

BY THE COURT:

BARBARA B. CRABB  
District Judge