

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

RALPH LUTHER BLEVINS, JR.,
LARRY RICE, MARTES BROOKS,
GREGORY NEWTON, ANTONIO
MORDICAN and TERRY RAINO,

Petitioners,

ORDER

v.

00-C-530-C

JOHN DOE (WARDEN AT F.C.I. OXFORD
IN 1997) and HIS AGENT (WOODHOUSE
RECEPTION SUPERVISOR),

Respondents.

A misleading caption on the complaint filed in this case has resulted in significant delay in getting the case off the ground. The face of petitioners' complaint shows Ralph Luther Blevins as the only petitioner. However, along with Blevins, Larry Rice, Martes Brooks, Gregory Newton, Antonio Mordican and Terry Raino have signed the complaint, indicating their desire to participate as petitioners in the lawsuit. The court caught this discrepancy after petitioner Blevins had paid the \$7.11 initial partial payment of the filing fee assessed to him. On October 12, 2000, I entered an order directed to petitioners Rice, Brooks, Mordican, Raino and

Newton, advising them that if they wished to be considered as plaintiffs in this case, they would have until October 28, 2000, in which to state their intention to proceed with the complaint and to submit certified copies of their trust fund account statements for the six-month period immediately preceding the filing of their complaint. I noted that if, by October 28, any proposed petitioner failed to respond to the order, I would assume that he wishes to withdraw from this action voluntarily.

Proposed petitioner Terry Raino has not responded to the October 12 order. He will be dismissed as a plaintiff in this case. Petitioners Rice, Brooks, Mordican and Newton each have written to express their interest in participating in the lawsuit and each has supplied the required trust fund account statements. From these statements, I assess the following initial partial payments:

- 1) petitioner Larry Rice is to pay an initial partial payment of \$8.93;
- 2) petitioner Martes Brooks is to pay an initial partial payment of \$41.82;
- 3) petitioner Antonio Mordican is to pay an initial partial payment of \$24.33; and
- 4) petitioner Gregory Newton is to pay an initial partial payment of \$51.22.

These payments must be made before the court may consider the merits of petitioners' complaint. Because there already has been significant delay in processing this case, I will allow petitioners a shortened period of time, or until November 20, 2000, in which to make their

initial partial payment. Any petitioner who fails to make the payment within the time prescribed or show cause why he cannot do so, will be dismissed from the case.

ORDER

IT IS ORDERED that petitioner Terry Raino is considered to have withdrawn as a petitioner from this case.

Further, IT IS ORDERED that, no later than November 20, 2000,

- 1) petitioner Larry Rice is to pay an initial partial payment of \$8.93;
- 2) petitioner Martes Brooks is to pay an initial partial payment of \$41.82;
- 3) petitioner Antonio Mordican is to pay an initial partial payment of \$24.33; and
- 4) petitioner Gregory Newton is to pay an initial partial payment of \$51.22.

If, by November 20, 2000, any petitioner fails to make the payment assessed to him or show cause why he cannot do so, he will be dismissed from the case.

Entered this 9th day of November, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge