

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

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FREDERICK ROGERS,

Plaintiff,

v.

JENNIFER HELLENBRAND and  
JEAN THIEME,

Defendants.  
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OPINION AND  
ORDER

03-C-230-C

On March 4, 2004, I granted defendants' motion for summary judgment. Judgment of dismissal was entered on March 5, 2004 [docketed on March 8, 2004]. On April 5, 2004, plaintiff filed a notice of appeal and requested leave to proceed in forma pauperis on appeal. In an order dated April 6, 2004, I noted that plaintiff is not barred from proceeding on appeal under the in forma pauperis statute by the three strikes provision in 28 U.S.C. § 1915(g) and that I did not intend to certify that his appeal is not taken in good faith. However, I directed plaintiff to submit, no later than April 26, 2004, a certified copy of his trust fund account statement for the six-month period beginning approximately October 1, 2003, to approximately April 1, 2004. I advised plaintiff that if, by April 26, 2004, he

failed to submit the required trust account statement or show cause for his failure to do so, I would deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

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 \$5.84.

#### ORDER

IT IS ORDERED that plaintiff Frederick Rogers may have until May 6, 2004, in which to submit a check or money order made payable to the Clerk of Court in the amount of \$5.84 as an initial partial payment of the fee for filing his appeal. The remainder of the \$255 fee must be paid in monthly installments according to 28 U.S.C. § 1915(b)(2).

If, by May 6, 2004, 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 19th day of April, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge