

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

JAMES J. KAUFMAN,

Plaintiff,

v.

GARY R. McCAUGHTRY, SGT. McCARTHY,
JAMES MUENCHOW, RENEE RONZANI,
SANDY HAUTAMAKI, JOHN RAY,
CYNTHIA L. O'DONNELL and JAMYI WITCH,

Defendants.

MEMORANDUM

03-C-27-C

Plaintiff has written this court a letter dated November 26, 2003, in which he objects to an order he received from the Court of Appeals for the Seventh Circuit, denying his request for leave to proceed in forma pauperis on appeal and ordering him to pay the \$105 filing fee. Plaintiff argues that it makes no sense to him to be ordered to pay a filing fee for an appeal on which he has been denied leave to proceed. He asks that this court explain to him “in plain English” why he is being forced to pay the fee.

The 1996 Prisoner Litigation Reform Act is now nearly eight years old. It was enacted in an effort to curb legally frivolous prisoner filings. Under the act, every prisoner

who files a complaint or appeal must pay the full filing fee, whether or not his request for pauper status is granted. In Congress's view, requiring prisoners to pay filing fees in installments if they qualify for indigent status, or in full if they do not qualify, forces individuals to weigh the cost of the filing against the potential for recovery before they file a claim or appeal. It was Congress's hope that requiring prisoners to take financial responsibility for their filings would inhibit impulsive or recreational filings. Although it may seem nonsensical to plaintiff that he is required to pay the fee for filing his appeal, the fact is that it costs the government much more than \$105 to file an appeal and process it, even if it is denied immediately. The government is not stealing from plaintiff, as he contends. When a person knows he must pay a fee for filing an appeal, he has a good reason to investigate the potential legal merits of his appeal before filing it. Unfortunately, this lesson has cost plaintiff \$105. Perhaps he will be grateful he did not file his appeal after November 1, 2003, when the fee for filing an appeal increased to \$255. In any event, plaintiff is obligated to pay the \$105 fee in full, just as the court of appeals has ordered.

Entered this 8th day of December, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge