

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

On June 4, 2003, plaintiff James J. Kaufman filed a notice of appeal from this court's orders of March 27, 2003, April 24, 2003, May 9, 2003, May 19, 2003, and May 22, 2003, each of which included a ruling adverse to plaintiff. In an order dated June 9, 2003, I construed plaintiff's notice as including a motion for leave to proceed in forma pauperis on appeal. I denied the motion, in part because plaintiff is attempting to appeal orders that are not appealable, and in part because I certified that plaintiff's appeal was not taken in good faith. In addition, I advised plaintiff that he owed the \$105 fee for filing his appeal in full immediately unless he did not have money in his prison account to pay it, in which case

prison officials are to calculate monthly payments according to the formula set out in 28 U.S.C. § 1915(b)(2) and forward those payments to the court until the debt is satisfied. I advised plaintiff that he could delay payment of the fee only if, within thirty days of the June 9 order, he challenged in the court of appeals the denial of leave to proceed in forma pauperis on appeal and the certification that his appeal is not taken in good faith. See Fed. R. App. P. 24(a)(5).

On June 24, 2003, plaintiff filed a document titled “Plaintiff’s Appeal” in the Court of Appeals for the Seventh Circuit. The court of appeals has forwarded the document to this court for filing. Although this submission is not accompanied by the documents specified in Fed. R. Civ. P. 24(a)(5), I infer from it that plaintiff is challenging this court’s denial of leave to proceed in forma pauperis and my certification that his appeal is not taken in good faith. Because plaintiff’s “appeal” appears to be a motion for leave to proceed in forma pauperis pursuant to Fed. R. Civ. P. 24(a)(5) that is properly filed in the court of appeals, I am asking the clerk of court to return the document to the court of appeals so that it may review plaintiff’s submission and determine whether it agrees with my assessment of what the document contains.

Entered this 1st day of July, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge