

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

WILLIAM SCOTT SELDEN,

Petitioner,

v.

ORDER

03-C-332-C

SHERIFF DENNIS HILLSTEAD,
DEPUTY CARMEN HANSEN, CAPT.
KAREN HUMPHRIES, NURSE SUE LINDBERG
and ST. CROIX COUNTY JAIL,

Respondents.

This case is off to a rocky start. The complaint and request for leave to proceed in forma pauperis was filed on June 19, 2003, while petitioner was an inmate at the St. Croix County Jail in Hudson, Wisconsin. The address of the jail is 1101 Carmichael Rd. A short time later, petitioner sent the court a letter indicating that his address *is going to be* changed to 1385 Rolling Hills Dr., Maplewood, MN, 55119, an apparent street address. Petitioner did not indicate in his letter when the change in his address would occur. Nevertheless, petitioner's Minnesota address was entered on the court's electronic docket. Because the court's electronic docket generates mailing labels for all communications the court sends to the parties in a case, the Minnesota address became the address to which any order entered

in the case would be mailed to petitioner.

On July 18, 2003, I entered an order advising petitioner that because he had filed his complaint while he was a prisoner, he was subject to the 1996 Prison Litigation Reform Act. Under the act, a prisoner must pay an initial partial payment of the filing fee before the court can consider his request for leave to proceed in forma pauperis and he must pay the remainder of the fee in monthly installments, even if his request for leave to proceed is denied. I assessed petitioner an initial partial payment in the amount of \$7.67 and directed him to pay it no later than August 8, 2003.

Now the July 18 order has been returned to this court undelivered. From the mailing label affixed to the envelope, it appears that a deputy clerk in the office of the clerk mistyped petitioner's address in the court's electronic database. The address was entered as 1385 Rolling Hills Dr., *St. Paul*, MN, rather than *Maplewood*, MN. Thus, the question arises whether petitioner's mail was returned to the court because the post office could not determine the correct address or because petitioner is not yet at that address.

Muddying the waters further, the record shows a third address for petitioner. In the body of his complaint, petitioner states that his address is 8941 205th St., Lakeville, Mn., 55033, which an internet search reveals is the residence of an individual other than petitioner and not a prison or jail address.

At this juncture, I have decided to extend the deadline within which petitioner is to pay the initial partial payment for filing his lawsuit and to send this order to petitioner at

both the St. Croix County jail address in Hudson and the Maplewood, Minnesota address he provided the court. If both letters are returned to the court undelivered, the clerk will be directed to close the file for petitioner's failure to prosecute. Otherwise, petitioner is to advise the court promptly which address is his present address and pay the initial partial payment he has been assessed.

ORDER

IT IS ORDERED that petitioner may have until August 19, 2003, in which to submit a check or money order made payable to the clerk of court in the amount of \$7.67 as an initial partial payment of the \$150 fee for filing this case. In addition, he is to clarify his present address. If, by August 19, 2003, petitioner fails to advise the court of his current address and pay the initial partial payment, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice for petitioner's failure to prosecute.

Entered this 5th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge