

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

MAXLEE D. HAASE,

Petitioner,

v.

COUNTY OF ROCK,
51 South Main St.
Janesville, WI, 53545,

Respondent.

ORDER

03-C-426-C

In an order dated August 19, 2003, I noted that petitioner Maxlee D. Haase had listed more than one address for himself when he filed his complaint in this case, including the address of the Rock County jail in Janesville, Wisconsin. I advised petitioner that if he was a prisoner at the Rock County jail at the time he filed his complaint, he would have to submit a trust fund account statement for the six month period immediately preceding the filing of his complaint on August 6, 2003, except that if petitioner had been incarcerated less than six months, the trust fund account statement should begin at the time of his incarceration and end approximately August 6, 2003. I advised petitioner further that if he was not a prisoner when he filed his complaint, then he would need to supplement his affidavit of indigency with details describing how he pays for his basic human necessities,

such as food, clothing and shelter. Petitioner was cautioned that if, by August 29, 2003, he failed to clarify his address and submit either a supplemental affidavit of indigency or a trust fund account statement, his file would be closed without prejudice to his filing a new complaint at some future time.

Instead of submitting a trust fund account statement or supplemental affidavit of indigency, petitioner has filed a letter postmarked August 19, 2003, in which he asks “how to get a writ so [he] can appear before [this court] on a bond reduction appeal.” The return address on the envelope and on petitioner’s letter confirms that petitioner is being held at the Rock County jail in Janesville, Wisconsin.

Because it is now clear that petitioner’s address is the Rock County jail, he cannot proceed in forma pauperis in this action unless he has no means of paying an initial partial payment of the \$150 fee for filing his complaint. In general, if he has received occasional deposits to his jail account in the six-month period immediately preceding the filing of his complaint, petitioner will be considered to have the means to pay an initial partial payment of the filing fee. The amount of the initial partial payment must be calculated from the trust fund account statement petitioner was to have submitted by August 29, 2003.

I note from the record that the court’s August 19 order was not mailed to petitioner until August 20, 2003. Nine days may not have been long enough to allow petitioner to obtain the necessary trust fund account statement from the jail’s financial officer and arrange for it to be sent to the court. Therefore, on the court’s own motion, I am extending the time

within which petitioner is to submit a trust fund account statement to September 12, 2003.

With respect to petitioner's inquiry about the possibility of appearing before this court on a bond reduction appeal, I can tell petitioner that this court does not review state court decisions setting bond. If petitioner believes the amount of his bond is inappropriate, he will have to take the matter up in state court.

ORDER

IT IS ORDERED that petitioner Maxlee D. Haase may have until September 12, 2003, in which to submit a trust fund account statement covering whatever period of time he was incarcerated in the six month period immediately preceding the filing of his complaint on August 6, 2003. If, by September 12, 2003, petitioner fails to submit the necessary trust fund account statement, the clerk of court is directed to close this file without prejudice to petitioner's filing a new complaint at some future time.

Entered this 2nd day of September, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge