

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

KEVIN D. LOFFTIN,

Petitioner,

v.

MADISON POLICE DEPT.;
DANE COUNTY NARCOTICS/GANG
TASK FORCE; U.S. DRUG ENFORCEMENT
AGENCY; and JOHN DOES,

Respondents.

ORDER

03-C-437-C

Petitioner Kevin Lofftin, a prisoner at the Thompson Correctional Center in Deerfield, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on August 5, 2003. His trust fund account

statement should cover the period beginning approximately February 1, 2003 and ending approximately August 1, 2003. Instead, it covers a one-month period beginning February 27, 2003 and ending March 4, 2003, and a second one-month period beginning July 2, 2003 and ending August 6, 2003. Although it is not clear from the allegations of petitioner's complaint, it may be that petitioner was not incarcerated until February 27, 2003, but that he has been incarcerated for the full period of time between February 27 and the present. If this is the case, petitioner will have to supplement his trust fund account statement with a statement for the period beginning March 5, 2003 and ending July 2, 2003. If petitioner was being held at an institution other than the Thompson Correctional Center during this period, he will have to write to the institution in which he was incarcerated and request a certified copy of his trust fund account statement for that period. If petitioner was not incarcerated between March 5, 2003 and July 2, 2003, he should advise the court promptly of that fact.

ORDER

IT IS ORDERED that petitioner may have until September 5, 2003, in which to submit a trust fund account statement for the period beginning March 5, 2003 and ending July 2, 2003, and for the period beginning February 1, 2003 and ending February 27, 2003, if such statements exist. If, by September 5, 2003, petitioner fails to respond to this order,

I will assume that he wishes to withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 19th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge