

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

DARRICK A . ALEXANDER,

Plaintiff,

v.

JAMES PERRENOUD,

Defendant.

ORDER

03-C-0578-C

Judgment was entered in this case on October 15, 2004, granting defendant's motion for summary judgment and closing this case. On November 1, 2004, plaintiff filed a notice of appeal. Because the notice was not accompanied by the \$255 fee for filing his appeal, I construed plaintiff's notice to include a request for leave to proceed on appeal in forma pauperis. In an order dated November 3, 2004, I noted that plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act, which means that petitioner must pay an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month

period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Because petitioner had not submitted such a statement, I advised him that he could have until November 19, 2004, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately June 15, 2004 to approximately November 15, 2004. I told plaintiff that if, by November 19, 2004, he failed to submit the required trust account statement or show cause for his failure to do so, then I would deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal. Plaintiff has not submitted the required statement.

ORDER

IT IS ORDERED that plaintiff's motion for leave to proceed in forma pauperis is DENIED for plaintiff's failure to show that he is indigent.

Entered this 1st day of December, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge