

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

ELLIS EDWARD MUCHISON J.R.

Petitioner,

ORDER

v.

03-C-58-C

GARY R. McCAUGHTRY and
BRUCE MURASKI,

Respondents.

Petitioner Ellis Edward Muchison, a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. He asks for leave to proceed in forma pauperis. In addition, he states that there is a possibility that family or friends will pay the full filing fee and asks to whom the payment should be sent.

If petitioner has arranged with family or friends to pay the \$150 fee for filing his complaint, the payment should be by check or money order made payable to the clerk of court. It should be mailed to the court at P.O. Box 432, Madison, Wisconsin, 53701, so that it is received no later than February 25, 2003. Petitioner should be aware that even if he pays the full filing fee, his complaint must be screened pursuant to the requirements of the 1996 Prisoner Litigation Reform Act and 28 U.S.C. § 1915A before he will be allowed

to proceed further.

Alternatively, if petitioner Muchison wishes to pursue his request for leave to proceed in forma pauperis, he will have to pay an initial partial payment of the filing fee in the amount of \$11.01 and the remainder of the fee in monthly installments even if his request for leave to proceed is denied. If petitioner does not have the money to pay the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$11.01 initial partial payment. Before they take any portion of that amount from petitioner's release account, prison officials may first take whatever amount up to the full amount petitioner owes from his regular account.

ORDER

IT IS ORDERED that petitioner is assessed \$11.01 as an initial partial payment of the \$150 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$11.01 on or before February 25, 2003, or arrange for family or friends to pay the full \$150 fee by that same date. If, by February 25, 2003, petitioner fails to pay either the full fee or the initial partial payment, 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 6th day of February, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge