

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

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DENNIS EARL BARNES,

Plaintiff,

v.

WILLIAM J. BLACK and  
METROPOLITAN PROPERTY AND  
CASUALTY INSURANCE,

Defendants.  
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ORDER

03-C-703-C

On June 22, 2004, I directed plaintiff to submit a trust fund account statement for the six month period immediately preceding the filing of his notice of appeal, as 28 U.S.C. § 1915(a)(2) requires when a prisoner seeks leave to proceed on appeal in forma pauperis. I told petitioner that if, by July 13, 2004, he failed to submit the required trust fund account statement or show cause for his failure to do so, 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 or written to explain his failure to do so. Without the statement, it is impossible to assess plaintiff an initial partial payment of the \$255 filing fee, which is a precondition to his being afforded pauper

status. Therefore, plaintiff's request for leave to proceed in forma pauperis on appeal will be denied.

Unfortunately for plaintiff, the denial of leave to proceed in forma pauperis on appeal does not relieve him of his obligation to pay the \$255 fee. He became liable for the fee when he filed his notice of appeal. To insure that the fee is paid, I will direct plaintiff's custodian to begin collecting the fee in installments pursuant to 28 U.S.C. § 1915(b)(2).

#### ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on appeal is DENIED for his failure to show that he is entitled to indigent status on appeal.

Further, IT IS ORDERED that the warden of plaintiff's institution begin collecting the \$255.00 fee from plaintiff's prison account in accordance with 28 U.S.C. § 1915(b)(2).

Entered this 23rd day of July, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge