

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

MARVIN A. JOHNSON,

Petitioner,

v.

JIM GENTILE, T. WALSH,
C/O ZIEMANN, sued in their
individual capacities, and
DAREN SWENSON, sued in his
individual and official capacity,

Respondents.

ORDER

04-C-257-C

In an order dated April 30, 2004, I assessed petitioner Marvin A. Johnson an initial partial payment of the \$150 fee for filing this action in the amount of \$52.73. Petitioner was to pay this assessment no later than May 21, 2004. Subsequently, petitioner wrote to ask that the fees be waived. I denied that request in an order dated May 12, 2004. However, I extended to June 20, 2004, the date by which petitioner was to pay the assessment of \$52.73. I told petitioner that if, by June 20, he failed to pay the assessment or show cause for his failure to do so, he would be held to have withdrawn his action voluntarily and the case would be closed. Petitioner did not pay the assessment by June 20,

and on June 29, 2004, his case was closed. Now petitioner has submitted the required assessment. Therefore, I will direct the clerk to reopen this case.

Because petitioner is a prisoner, his complaint must be screened pursuant to 28 U.S.C. § 1915(e)(2). Therefore, I will take petitioner's complaint under advisement and notify petitioner as soon as a decision is reached whether he may proceed on some or all of his claims.

ORDER

IT IS ORDERED that this action is REOPENED. Plaintiff's complaint is taken under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2).

Entered this 19th day of July, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge