

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

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MARK BOGAN,

Petitioner,

v.

THE FEDERAL BUREAU OF INVESTIGATION<sup>1</sup>,

Respondent.  
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ORDER

04-C-532-C

This is a proposed civil action brought by petitioner Mark Bogan, a prisoner at the United States Penitentiary in Florence, Colorado, requests leave to proceed in forma pauperis in this civil action alleging that respondent is in violation of the Freedom of Information Act, 5 U.S.C. § 552.

Because petitioner is a prisoner, he is subject to the 1996 Prisoner Litigation Reform

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<sup>1</sup> In the caption of his complaint, petitioner names as respondents David M. Hardy, Section Chief of the Records and Dissemination Section of the Federal Bureau of Investigation, and Marie O'Rourke and Susanne Little, employees of the "Executive Office for United States FOIA/PA Unit." The Freedom of Information Act authorizes suit only against an agency and not against individual officers and governmental employees. See § 552(a)(4)(B). Therefore, I have removed the individual respondents from the caption and substituted as the only respondent the Federal Bureau of Investigation.

Act. This means that before this court may decide whether he can proceed with his complaint in forma pauperis, petitioner will have to pay an initial partial payment of the filing fee in the amount of \$4.16 and the remainder of the fee in monthly installments even if his request for leave to proceed is denied.

ORDER

IT IS ORDERED that petitioner is assessed \$4.16 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 \$4.16 on or before August 23, 2004. If, by August 23, 2004, petitioner fails to pay the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 2nd day of August, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge