

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

GARY B. CAMPBELL,

Petitioner,

v.

WOOD COUNTY SHERIFF DEPUTY
TODD JOHNSON and UNKNOWN
OFFICIALS,

Respondents.

ORDER

04-C-661-C

In late August 2004, petitioner Gary B. Campbell filed a civil action in this court and requested leave to proceed in forma pauperis. However, petitioner did not support his in forma pauperis request with a trust fund account statement for the six-month period immediately preceding the filing of his complaint. According to petitioner, he did not have such a statement because he had been confined at the Waushara County jail for only a short period of time. In an order dated September 9, 2004, I told petitioner that if he had been confined in another jail in the six-month period prior to his recent transfer to the Waushara County jail, he would have to obtain a trust fund account statement from his previous place of incarceration and submit it to the court.

Now petitioner has written to advise the court that he was confined at the Wood County jail for only a short period of time before he was moved to the Waushara County jail, and that he did not have an inmate account at the Wood County jail either. However, he says that since he submitted his complaint to this court, he has received separate deposits of \$20 and \$50 into his commissary account, out of which he arranged for \$12.50 to be sent to the court as an initial partial payment of the filing fee in this case. A check for \$12.50 has since been received by the court to be applied toward petitioner's filing fee. This sum is more than sufficient to satisfy petitioner's obligation to pay an initial partial payment of the filing fee, because it amounts to almost 40% of his average monthly deposits in the approximate two months he has been incarcerated.

Accordingly, IT IS ORDERED that petitioner's complaint is taken under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2). Petitioner should not take further action in this case until the court notifies him of its decision whether he may proceed further or whether the complaint or any part of it must be dismissed as legally frivolous or malicious,

for failure to state a claim on which relief may be granted or because petitioner is seeking money damages from a defendant who is immune from such relief.

Entered this 29th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge