

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

LEONARD A. CHAMBERLAIN,

Petitioner,

v.

MARATHON COUNTY JAIL
and CAROLE LUEDTKE,

Respondents.

ORDER

04-C-698-C

Petitioner Leonard Chamberlain, a prisoner at the Marathon County Jail in Wausau, Wisconsin, has advised the court that the trust fund account statement he submitted with his proposed complaint in this case is correct in showing that he was not incarcerated for the full six-month period immediately preceding the filing of his complaint. In fact, he was incarcerated from April 28, 2004 until May 14, 2004, and again from August 3, 2004 through the present.

As petitioner already is aware, he is subject to the 1996 Prisoner Litigation Reform Act, which requires him to pay an initial partial payment of the \$150 fee for filing his complaint before this court can decide whether he can proceed with his complaint in forma

pauperis. From the trust fund account petitioner has submitted, I calculate his initial partial payment to be \$1.41. Petitioner will have to pay 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 \$1.41 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 \$1.41 on or before November 15, 2004. If, by November 15, 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petitioner fails to pay the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 25th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge