

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

JAMES LIGHT,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

05-C-146-C

Petitioner James Light brought this civil action for monetary relief under the Federal Tort Claims Act, 28 U.S.C. § 2671-2680. In an order dated April 28, 2005, I held that his allegations made out a claim under the Federal Torts Claims Act but that he had not submitted any documentation to show that he had exhausted the administrative remedies available to him. Accordingly, I gave petitioner two weeks in which to submit proof of exhaustion. Petitioner responded to this order in a timely fashion by sending the court a copy of the claim he filed with the Bureau of Prisons and a Final Denial of Claim from the Regional Counsel, dated February 3, 2005. From this document, I conclude that petitioner has exhausted his administrative remedies. Therefore, I will allow him to proceed on this claim.

IT IS ORDERED that

1. Petitioner James Light is GRANTED leave to proceed in forma pauperis against respondent United States of America on his claim under the Federal Tort Claims Act;

2. The unpaid balance of petitioner's filing fee is \$226.84; petitioner is obligated to pay this amount as described in 28 U.S.C. § 1915(b)(2);

3. Copies of petitioner's complaint will be forwarded to the U.S. Marshal for service on the United States in accordance with Fed. R. Civ. P. 4(i).

4. Petitioner should be aware of the requirement that he send the United States Attorney in this district a copy of every paper or document that he files with the court. Once petitioner has learned the identity of the specific lawyer or lawyers in the United States Attorney's office who will be representing respondent, he should serve the lawyer directly. The court will disregard any papers or documents submitted by petitioner unless the court's copy shows that a copy has gone to respondent's attorney. Petitioner should retain a copy of all documents for his own files. If he is unable to use a photocopy machine, he may send out identical handwritten or typed copies of his documents.

Entered this 5th day of May, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge