

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

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WARREN G. LILLY, JR.,

Petitioner,

v.

ORDER

05-C-490-C

CATHY JESS, MATTHEW FRANK, CHARLES PEARCE,  
CHARLES OLESON, ANN KRUEGER, SUSAN WALLINTIN,  
WILLIAM HESSION, ANNETTE WILLIAMS and  
JOANNE BOVEE,

Respondents.  
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The Court of Appeals for the Seventh Circuit has determined that petitioner should be allowed to proceed on appeal in forma pauperis and has asked this court to assess petitioner an initial partial payment of the fee for filing his appeal. From the trust fund account statement petitioner submitted at the time he filed his notice of appeal, I conclude that petitioner does not have the means to make an initial partial payment of the \$255 filing fee. However, petitioner should be aware that he is obligated to pay the filing fee even if he does not presently have funds with which to pay it. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be paid in monthly installments when the funds exist.

ORDER

IT IS ORDERED that petitioner need not make an initial partial payment of the fee for filing his appeal in this case because his trust fund account statement shows that he has no means with which to make such a payment at this time. However, the clerk of court is directed to insure that the court's financial records reflect that petitioner owes the \$255 fee for filing his appeal.

Entered this 12th day of January, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge