

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

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LUIS VASQUEZ,

Petitioner,

ORDER

v.

05-C-528-C

MATHEW FRANK, Secretary,  
PHIL KINGSTON, Warden,  
GARY McCAUGHTRY, Former Warden,  
MARC CLEMENTS, Security Director,  
MIKE THURMER, Deputy Warden,  
CYNTHIA THORPE, ORA,  
CURTIS JANSSEN, HSCUM,  
STEVEN SCHUELER, HSCSS,  
BELINDA SCHRUBBE, HSUM,  
GARY ANKARLO, PSUS,  
RICHARD RAEMISCH, OOS,  
SANDRA HAUTAMAKI, CCE,  
JAMES MUENCHOW, ICE,  
CAPT. O'DONOVAN,  
JOHN McDONALD, Social Worker/Advocate, and  
STANLEY TONN, ICE,

Respondents.  
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On December 9, 2005, I denied petitioner leave to proceed in forma pauperis on appeal in this action and certified that his appeal was not taken in good faith. Now the Court of Appeals for the Seventh Circuit has issued an order dated February 16, 2006,

holding that this court erred in its bad faith determination and instructing the court to assess an initial partial filing fee for the appeal. From the trust fund account statement petitioner submitted with his notice of appeal, I find that petitioner owes \$.90 as an initial partial payment of the fee for filing his appeal.

#### ORDER

IT IS ORDERED that no later than March 20, 2006, petitioner is to submit a check or money order made payable to the clerk of court in the amount of \$.90 as an initial partial payment of the \$255 fee for filing his appeal. The remainder of the fee is to be paid in monthly installments pursuant to 28 U.S.C. § 1915(b)(2).

Further, IT IS ORDERED that if, by March 20, 2006, petitioner fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal. If petitioner pays the initial partial payment as directed, however, the clerk of court must notify the court of appeals promptly and

retransmit the record of this case to the court of appeals in accordance with that court's February 16 order.

Entered this 27th day of February, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge