

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

JAMES JENKINS,

Petitioner,

v.

PEGGY LAUTENSCHLAGER and
STATE OF WISCONSIN,

Respondents.

ORDER

07-C-184-C

JAMES JENKINS,

Plaintiff,

v.

JAMES WILSON and
TIM BENGSTON,

Defendants.

ORDER

05-C-609-C

James Jenkins is a prisoner incarcerated at the Wisconsin Resource Center in Winnebago, Wisconsin. Recently, he filed a notice of appeal in Case No. 05-C-609-C and

a complaint in Case No. 07-C-184-C. In both cases, Jenkins has requested leave to proceed in forma pauperis.

In previous orders, I determined that Jenkins was otherwise qualified for pauper status and, after examining his trust fund account statement, assessed him an initial partial payment of \$.67 in his appeal and \$1.00 in his newly-filed civil action. Jenkins moved for reconsideration of that assessment, contending that he had exhausted the funds in his prison account and no longer receives any income.

In orders dated April 6 and April 9, 2007, I explained that Jenkins's trust fund account statement showed several deposits to his prison account during the past six month period. Therefore, I granted him an extension of time within which to make his partial payment, but I did not waive the requirement that he do so.

Now Jenkins has renewed his request for waiver of his initial partial payment in both cases. Were he to show that he continues to remain wholly without funds, I would be inclined to grant the request. However, because he has not submitted a trust fund account statement revealing his account activity from March (where his last statement left on) to May, I am unable to verify his allegations.

I will provide Jenkins with one final extension. By May 24, 2007, Jenkins must either pay the previously-assessed initial partial payments in both cases or submit a trust fund account statement showing that he has received no funds since the beginning of March

2007. If, by May 24, 2007, Jenkins does not either pay the partial filing fee or submit a trust fund account statement, I will dismiss Case No. 07-C-184-C and inform the court of appeals of Jenkins's failure to pay the partial fee for his appeal in Case No. 05-C-609-C.

ORDER

IT IS ORDERED that James Jenkins's motion to waive the partial filing fees assessed in Case Nos. 07-C-184-C and 05-C-609-C is DENIED without prejudice. Jenkins may have until May 24, 2007, in which either to pay the previously-assessed initial partial payments in both cases or to submit a trust fund account statement showing that he has received no funds since the beginning of March 2007. If, by May 24, 2007, Jenkins does not either pay the partial filing fee or submit a trust fund account statement, the clerk of court is directed to close Case No. 07-C-184-C and inform the court of appeals of Jenkins's failure to pay the partial fee for his appeal in Case No. 05-C-609-C.

Entered this 4th day of May, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge