

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

JAMES JENKINS,

Petitioner,

v.

FREDDRICK WILSON and
MR. BANKSON, Dane County Deputy Sheriffs,

Respondents.

ORDER

05-C-609-C

Petitioner James Jenkins, an inmate at the Dane County jail in Madison, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on October 5, 2005. His trust fund account statement should cover the period beginning approximately April 22, 2005, when he was

booked into the jail, and ending approximately October 1, 2005. Instead, it covers a two-day period in May 2005. (It also covers an approximate one-month period in August and September, 1999, which is irrelevant information unnecessary to decide whether petitioner qualifies for indigent status now.) If petitioner wishes to continue with this lawsuit, he will have to submit a new trust fund account statement for the proper six-month period.

ORDER

IT IS ORDERED that petitioner may have until November 14, 2005, in which to submit a trust fund account statement for the period beginning approximately April 22, 2005 and ending approximately October 1, 2005. If, by November 14, 2005, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 24th day of October, 2005.

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