

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

As directed in this court's order of October 24, 2005, petitioner James Jenkins has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding in forma pauperis in this action and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his complaint. From petitioner's trust fund account statement, I conclude that he is qualifies for indigent status and that he presently has no means with which to pay an initial partial payment of the \$250 fee for filing his complaint. However, petitioner should be aware that he is obligated to pay the \$250 filing fee, even if this court determines that he will not be permitted to proceed with his

complaint in forma pauperis and even if he does not presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

Accordingly, IT IS ORDERED that petitioner's complaint is taken under advisement. As soon as the court's calendar permits, petitioner's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Petitioner will be notified promptly when such a decision has been made.

Entered this 31st day of October, 2005.

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