

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

CARLOS ABADIA,

Plaintiff,

v.

ORDER

MICHAEL BROWN, LARRY FUCHS,
AMY MORALES and SERGEANT BELOUNGY,

06-C-088-S

Defendants.

Plaintiff advises the Court that \$455.00 was withdrawn from his release account to pay his filing fees in the above entitled matter. Pursuant to 28 U.S.C. § 1915(b)(2), the institution's financial officer is authorized to deduct monthly payments of 20% of the preceding month's income credited to the plaintiff's trust fund account until the filing fee is paid in full. The defendants advise the Court that the appellate fees were taken from plaintiff's release account pursuant to Spence v. McCaughtry, 46 F. Supp. 2d 861, 8623 (E.D. Wis. 1999). Since the fee taken from plaintiff's release account was an appellate fee, it appears that it was properly deducted.

ORDER

IT IS ORDERED that plaintiff's request for return of the fee is DENIED.

Entered this 21st day of July, 2006.

BY THE COURT:

S/
JOHN C. SHABAZ
District Judge