

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

CLAYTON H. MELLENDER,

Petitioner,

v.

ORDER

06-C-266-C

DANE COUNTY; PRISON HEALTH
SERVICES at Dane County Jail;
NURSE SHAYA DOE (Last Name Unknown);
NURSE JANE DOE (Nurse who withheld
medication at Dane County jail);
DEPUTY SKINNER; CAPTAIN MIKE PLUMER;
SHERIFF CRAIG HANSON,

Respondents.

Petitioner Clayton H. Mellender has moved for modification of the order entered in this case on May 18, 2006, requiring him to submit an initial partial payment of the fee for filing this action. In particular, petitioner points out that when the court calculated an initial partial payment in the amount of \$21.43, it counted as income a \$500 deposit on December 21, 2005 that is identified on his trust fund account statement only as “bonds.” Petitioner explains that the \$500 deposit was simply a transfer of his release account funds from one institution to another and that the sum represents an amount that he had accumulated over a period extending well before the start of the six-month period from

which his initial partial payment is to be determined. A review of petitioner's trust fund account statement confirms that petitioner was transferred from the Columbia Correctional Institution to the Oshkosh Correctional Institution at around the same time that an entry was made showing the close of his release account at the Columbia Correctional Institution. Although the deposit was not clearly marked as a transfer in of release account funds, I accept petitioner's representation that the \$500 bond deposit is not new income that should have been counted in the calculation of his initial partial payment.

ORDER

IT IS ORDERED that the order entered herein on May 18, 2006, is AMENDED to reflect that petitioner is assessed \$3.23 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$3.23 on or before June 26, 2006. If, by June 26, 2006, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this

file without prejudice to petitioner's filing his case at a later date.

Entered this 5th day of June, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge