

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

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RALPH ARMSTRONG,

Petitioner,

v.

GREG GRAMS<sup>1</sup>, Warden of  
Columbia Correctional Institution,

Respondent.  
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ORDER

06-C-302-C

Petitioner Ralph Armstrong, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has filed a document entitled “Petition for Immediate Injunction,” which I construe as a petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. Pursuant to Rule 3 of the rules governing § 2254 cases, the petition must be accompanied by (1) the \$5.00 filing fee or (2) a motion for leave to proceed in forma pauperis, an affidavit of indigency and a trust fund account statement showing the amount of money or securities that petitioner has in his prison account. Petitioner has not

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<sup>1</sup>Petitioner named the State of Wisconsin and State of New Mexico as respondents in this action. Because petitioner is challenging the constitutionality of his confinement, the proper respondent to his petition is his immediate custodian, Greg Grams. Therefore, Grams has been substituted as respondent pursuant to 28 U.S.C. § 2243.

submitted either the filing fee or the papers necessary to support a finding that he is entitled to proceed without paying the filing fee. Therefore, I am attaching to this order a blank form for an affidavit of indigency. If petitioner wishes to pursue his petition, he will have to pay the \$5.00 filing fee or request pauper status by completing the affidavit and returning it to the court with a copy of his trust fund account statement for the past six months.

#### ORDER

IT IS ORDERED that a decision whether to issue an order to show cause on petitioner's petition for a writ of habeas corpus is STAYED. Petitioner may have until July 6, 2006, in which to submit the \$5 fee for filing his petition or an affidavit of indigency and a trust fund account statement for the six-month period immediately preceding the filing of his petition. If, by July 6, 2006, petitioner fails to submit the necessary filing fee or the papers required to support a request leave to proceed in forma pauperis, the clerk of court is directed to enter judgment dismissing this petition without prejudice to petitioner's filing a new petition at some later time.

Entered this 15<sup>th</sup> day of June, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge