

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

-----  
ANDREW JOSEPH SCHNEIDER,

Petitioner,

v.

CITY OF WEST BEND, CITY OF WEST  
BEND POLICE DEPARTMENT, WASHINGTON  
COUNTY, DAVID N. RETTLER and SPOUSE,  
DAVID RESHESKE and SPOUSE, ERIC J.  
SZATKOWSKI and SPOUSE, ROY R. KORTE  
and SPOUSE, KENNETH J. MUELER and SPOUSE,  
STEVE HOOGESTER and SPOUSE, DARYL W.  
LAATSCH and SPOUSE, KATHRYN W. FOSTER  
and SPOUSE, MATTHEW J. FRANK and SPOUSE,  
KEVIN POTTER and POTTER, WISCONSIN  
DEPARTMENT OF CORRECTIONS and THIRTY  
(30) JOHN or JANE DOES,

Respondents.  
-----

OPINION and ORDER

06-C-380-C

In an order dated July 17, 2006, I directed petitioner Andrew Joseph Schneider, a prisoner at the Oakhill Correctional Institution in Oregon, Wisconsin, to submit a prison trust fund account statement so this court could determine whether he qualified to proceed in forma pauperis under 28 U.S.C. § 1915 on his civil proposed complaint. Instead,

petitioner has submitted a letter in which he asserts that the July 17 order

incorrectly states that Plaintiff “request[ed] leave to proceed in forma pauperis.” Plaintiff believes that filing in forma pauperis pursuant to 28 U.S.C. §1915 is a privilege granted to slaves or subjects by a master . . . Plaintiff is claiming a Right, not seeking a “privilege.”

The alleged right petitioner claims is one that is conditioned upon his compliance with the statutory provisions enacted by Congress. If he wishes to proceed in forma pauperis, he must submit his trust fund account statement. If he does not wish to do so, he may either pay the filing fee in full or have his case dismissed for his failure to show that he is eligible to proceed without prepaying the full fee. There are no other options.

Although I will deny petitioner’s motion for reconsideration, I will grant him a brief extension of the deadline for submitting either his trust fund account statement or full payment of the filing fee. Petitioner may have until August 18, 2006, in which to submit a trust fund account statement for the period beginning approximately December 5, 2006 and ending approximately June 5, 2006 or to pay the \$350 filing fee in full.

#### ORDER

IT IS ORDERED that petitioner’s motion to reconsider the court’s July 18, 2006 order is DENIED. Petitioner may have until August 18, 2006, in which to submit a trust fund account statement for the period beginning approximately December 5, 2006 and

ending approximately June 5, 2006. If, by August 18, 2006, petitioner does not submit the required statement or filing fee, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 27th day of July, 2006.

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