

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

TITUS HENDERSON,

Plaintiff,

v.

ORDER

06-C-407-C

MORRIS MULTIMEDIA, INC.; CHARLES H. MORRIS; PETER JACKSON; MICHAEL SUNDERMAN; JOHN D. INGEBRITSEN; DAVID KRIER; WILLIAM S. HALE; SGT. GERARD O'ROURKE; STEVEN WATTER; MILT CASHMAN; PETER HUIBREGTSE; BARBARA BELL; SARA STRONG; GARY KJOS; BOB SOMMERS; BRIAN KENDALL; M. BARE; BOSCOBEL CITY COMMON COUNCIL; CITY OF BOSCOBEL; BOSCOBEL CORPORATE COUNSEL/CITY ATTORNEY; MORRIS NEWSPAPER CORP. OF WISCONSIN; AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEE COUNCIL; and MATTHEW FRANK,

Defendants.

On June 22, 2007, the clerk of court entered judgment dismissing this case against all of the defendants. Now plaintiff has filed a notice of appeal. Because the notice is not accompanied by the \$455 fee for filing his appeal, I construe plaintiff's notice to include a request for leave to proceed on appeal in forma pauperis.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him, and I do not intend to certify that his appeal is not taken in good faith.

The only other hurdle to plaintiff's proceeding with his appeal in forma pauperis is the requirement that he make an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Plaintiff has not submitted the necessary trust fund account statement. Until he does so, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that plaintiff may have until July 31, 2007, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately February 10, 2007 to approximately July 10, 2007. If, by July 31, 2007, plaintiff fails to submit the required trust account statement or show cause for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the

ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 10th day of July, 2006.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB

District Judge