

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

MARK RENALDO LOWE,

Petitioner,

v.

ORDER

06-C-680-C

WARDEN LARRY JENKINS, MICHAEL DITTMAN,
DR. HORN, DR. KAPLAN, NURSE DAN,
SGT. BHAMANN, WILLIAM McCREEDY,
HAYLEY PUCKER, JAMES LaBELLE,
JOHN RAY and RICK RAEMISCH,

Respondents.

MARK RENALDO LOWE,

Petitioner,

v.

WARDEN JENKINS, MR. DITTMAN,
MR. GRASSY, MRS. WALDO, MR. FONNEY,
MS. PRESEKEN and MS. BECKER,

06-C-689-C

Respondents.

On November 20, 2006, petitioner Mark Renaldo Lowe, a prisoner at the Kettle
Moraine Correctional Institution in Plymouth, Wisconsin, filed these two actions and asked

for leave to proceed in forma pauperis. His cases are governed by the 1996 Prison Litigation Reform Act, which requires that a request from a prisoner for pauper status be accompanied by a certified trust fund account statement for the six-month period immediately preceding the filing of his complaint. 28 U.S.C. § 1915(a)(2). Petitioner did not submit the required trust fund account statements. Instead, he appears to want the court to calculate his initial partial payment for these cases from a statement he submitted in September 2006, in connection with an earlier action, Lowe v. Jenkins, 06-C-508-C. That statement covers the six-month period beginning on March 12, 2006 and ending on September 11, 2006.

Although the requirement may appear unnecessarily rigid, this court is not free to disregard it. Therefore, if petitioner intends to pursue one or both of these actions, he will have to submit a new trust fund account statement that includes the period beginning on September 12, 2006 and ending November 19, 2006. I say *if* petitioner wishes to pursue these cases because petitioner now has written to the court to ask that “the entire file that was just recently submitted on [November 17, 2006]” be returned to him. He explains that the reason for his request is that “at this particular time of the year it is pretty difficult to produce the required filing fee of \$19.10.” He states also that “should medical here persist offering no treatment then [petitioner] shall re-submit [his] action forthwith.”

On the one hand, it appears that petitioner wants a voluntary dismissal of case no. 06-C-680-C only, which is the case concerning his medical treatment. On the other hand, petitioner’s comment that he does not have enough money to pay an initial partial payment

of the filing fee at this time suggests that he intends to abandon both of these cases. Because petitioner's intentions are unclear, I will offer him an opportunity to submit a new trust fund account statement covering the appropriate six-month period and to advise the court whether he wishes to pursue either or both of these cases. If petitioner does not respond to this order, I will close both cases without prejudice to his refiling them at some future time.

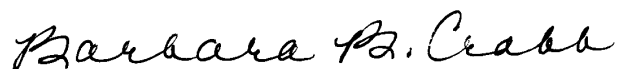
ORDER

IT IS ORDERED that petitioner may have until January 18, 2007, in which to submit a certified copy of his trust fund account statement for the period beginning May 19, 2006 and ending November 19, 2006. The statement must be accompanied by a written statement clarifying whether petitioner wishes to pursue one or both of these cases. If he wishes to pursue one case only, he must identify that case clearly.

Further, IT IS ORDERED that if, by January 18, 2007, petitioner fails to respond to this order, the clerk of court is directed to close these files.

Entered this 30th day of November, 2006.

BY THE COURT:

A handwritten signature in black ink, reading "Barbara B. Crabb". The signature is written in a cursive, flowing style.

BARBARA B. CRABB
District Judge