

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

LUIS VASQUEZ,

Petitioner,

v.

ORDER

06-C-743-C

RICK RAEMISCH, Deputy Secretary;
STEVEN B. CASPERSON, Administrator;
JOHN BETT, Assistant Administrator;
DENISE SYMDON, Assistant Administrator;
DAN WESTFIELD, Security Chief;
PHIL KINGSTON, Warden;
MIKE THURMER, Deputy Warden;
MARC CLEMENTS, Security Director;
DON STRAHOTA, Security Director;
STEVEN SCHUELER, Security Supervisor, Capt.;
CURT JANSSEN, Security Supervisor, Capt.;
CAPT. GEMPELER, Security Supervisor;
BRUCE SIEDSCHLAG, HSCM; OFFICER BAUER, Lieutenant;
STEVEN WIERENGA, Lieutenant; SGT. PREIDST;
SGT. MEYER; SGT. GUTJAHR; SGT. TONY;
SGT. HILBERT; AMY REID; BELINDA SCHRUBBE, HSUM;
JAMES MUENCHOW, ICE; OFFICER II GUNRATT;
OFFICER II ROLINS; OFFICER KMIECIK; OFFICER NICKEL;
OFFICER II CONSTINE; OFFICER II YUNTO; OFFICER
KAHL; GARY ANKARLO, PSUS; KIM BAUER, PA;
JOHN RAY, CCE; LINDA O'DONOVAN; all in their
individual and official capacities,

Respondents.

Petitioner Luis Vasquez, a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on December 18, 2006. He signed it on December 13, 2006. His trust fund account statement should cover the period beginning approximately June 10, 2006 and ending approximately December 10, 2006. Instead, it begins on July 1, 2006 and ends on October 31, 2006. For the one and a half month period between October 31 and December 10, petitioner has submitted a canteen slip for one day in November and a canteen slip for one day in December. These slips are inadequate to allow a determination whether any deposits were made to petitioner's account in the last six-week period leading up to the filing of his lawsuit and, if there were, whether prison officials are deducting a percentage of his income to pay the amount he owes for filing his complaint and an appeal in case no. 05-C-528-C. Therefore, if petitioner wants to continue with this action, he will have to supplement his trust fund account statement with a certified copy of his trust fund account statement for the period beginning on June 10 and ending July 1,

2006 and for the period beginning November 1, 2006 and ending December 10, 2006.

ORDER

IT IS ORDERED that petitioner may have until January 10, 2007, in which to submit a trust fund account statement for the period beginning on June 10, 2006 and ending July 1, 2006 and for the period beginning November 1, 2006 and ending December 10, 2006. If, by January 10, 2007, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 20th day of December, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge