

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

RODNEY KYLE,

Petitioner,

v.

F.B.O.P., C. HOLINKA (Warden),
MR. NALLEY (Regional Director)
and H. LAPPIN (F.B.O.P. Director),

Respondents.

ORDER

09-cv-90-slc

Petitioner Rodney Kyle, a prisoner at the Federal Correctional Institution in Oxford, 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 \$350 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 he has not submitted a trust fund account statement with his complaint.

Petitioner's complaint was submitted on January 28, 2009. His trust fund account statement should cover the six-month period beginning approximately August 1, 2008 and ending approximately January 30, 2009. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner Rodney Kyle may have until March 16, 2009, in which to submit a trust fund account statement for the period beginning approximately August 1, 2008 and ending approximately January 30, 2009. If, by March 16, 2009, petitioner fails to respond

to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 22nd day of February, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge