

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

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JEFFREY STEVEN AKRIGHT,

Plaintiff,

OPINION and ORDER

v.

09-cv-648-bbc

RANDELL HEPP and APRIL FUMOY,
sued in their individual and official capacities,

Defendants.

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Judgment was entered in this case on October 25, 2010 in favor of defendants, dismissing this case. I found that defendants had not violated plaintiff's First Amendment rights because they showed that their actions were reasonably related to their interests in reducing administrative burdens and preventing prisoners from obtaining information that undermines prison security.

Now plaintiff has filed a notice of appeal and a request for leave to proceed on appeal in forma pauperis. He has submitted a trust fund account statement for the six months preceding the filing of his appeal.

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.

However, plaintiff is required to 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). From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status and assess plaintiff an initial partial payment of the \$455 fee for filing his appeal in the amount of \$1.89. Plaintiff should show a copy of this order to prison officials to make sure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Jeffrey Steven Akright's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until December 12, 2010, in which to submit a check or money order made payable to the clerk of court in the amount of \$1.89. If, by December 12, 2010, plaintiff fails to pay the initial partial payment or

explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$1.89 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 22d day of November, 2010.

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