

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

DEBRA ANN FERNANDEZ,

Plaintiff,

v.

H.S.U. (Health Professions, LTD),
OUTAGAMIE COUNTY JAIL,
Jail Administrator KIESER,
Sheriff BRADLEY G. GEHRING,
and N.P. SHELBY,

Respondents.

ORDER

10-cv-339-wmc

Plaintiff Debra Fernnadez, a prisoner at the Outagamie County Jail in Appleton, Wisconsin, has submitted a proposed complaint. She requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff 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. Plaintiff's initial partial payment cannot be calculated at this time because the trust fund account statement she submitted with her complaint does not cover the full six-month period immediately preceding the filing of her complaint.

Plaintiff's complaint was submitted on June 18, 2010. Her trust fund account statement should cover the period beginning approximately December 18, 2009 and ending approximately June 15, 2010. Instead, it covers a three-week period beginning April 16, 2010 and ending May 6, 2010. In her complaint plaintiff states that she was arrested on March 15, 2010 and the account statement shows that on April 16, 2010, plaintiff's account at the Outagamie County Jail was reopened. Pursuant to 28 U.S.C. § 1915(a)(2) plaintiff is required to obtain a trust

fund account statement “from the appropriate official of each prison at which [she] is or was confined” during the relevant period. If plaintiff was incarcerated in any other jails or correctional institutions from December 18, 2009 until April 16, 2010, plaintiff will need to write to that institution to request a certified copy of her trust fund account statement for the appropriate period. Additionally, plaintiff will need to supplement the statement she provided to cover the period from May 5, 2010, until June 15, 2010. Once plaintiff has submitted the necessary statements, I will calculate her initial partial payment and advise her of the amount she will have to pay before the court can screen the merits of his complaint under § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff may have until July 28, 2010, in which to submit a trust fund account statement or written statement regarding her custodial status for the period beginning December 18, 2009 and ending April 16, 2010, and for the period beginning May 5, 2010 and ending June 15, 2010. If, by July 28, 2010, plaintiff fails to respond to this order, I will assume that she wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing her case at a later date.

Entered this 30th day of June, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge