

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

LONNIE L. JACKSON,

Plaintiff,

ORDER

v.

10-cv-425-bbc

DR. PATRICK J. MURPHY, DR. DAVID
BURNETT, RN. J. KLETTKE, SHARON
ZUNKER, AMY SMITH, RN WENDY
CARIVOU. ISMAEL OZANNE and
HOLLY GUNDERSON,

Defendants.

Judgment was entered in this case on June 6, 2011 in favor of defendants, dismissing this case with prejudice as a sanction for plaintiff Lonnie Jackson's material alteration of documents. Now plaintiff has filed a notice of appeal. Because plaintiff has not paid the \$455 fee for filing an appeal, I construe his notice as a request for leave to proceed in forma pauperis on appeal.

Plaintiff's request 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. I do not intend to

certify that his appeal is not taken in good faith because plaintiff could make the argument on appeal that dismissal of this case was not an appropriate sanction.

However, I cannot tell whether plaintiff qualifies for indigent status on appeal because he has not submitted a trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. Therefore, I will stay a decision on plaintiff's request for leave to proceed in forma pauperis pending his submission of the necessary trust fund account statement.

ORDER

IT IS ORDERED that a decision whether plaintiff Lonnie Jackson may proceed in forma pauperis on appeal is STAYED. Plaintiff may have until July 22, 2011 in which to submit a trust fund account statement for the six-month period beginning approximately December 30, 2010 and ending approximately June 30, 2011. If, by July 22, 2011, plaintiff fails to submit the necessary trust fund account statement, I will deny his request for leave to proceed in forma pauperis on appeal for his failure to show that he is entitled to indigent status on appeal.

Entered this 5th day of July, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge