

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

FRANCISCO JAVIER ESTRADA,

Petitioner,

v.

WARDEN HOLINKA,

Respondent.

ORDER

10-cv-465-bbc

In an order entered in this case on November 2, 2010, I denied petitioner's request for leave to proceed in forma pauperis on appeal because he failed to submit a certified copy of his six-month trust fund account statement. Now, petitioner has filed a motion for reconsideration of this court's November 2 order and a request for more time to submit the required trust fund statement.

In his motion for reconsideration, petitioner states that in the time following entry of the November 2 order, he was transferred from the Federal Correctional Institution in Oxford, Wisconsin to the Federal Correctional Institution in Pekin, Illinois, where he is being held temporarily while he awaits further designation from the Bureau of Prisons. Although petition asks for a continuance to submit the trust fund statement until he arrives at his

designated institution, this court will not postpone petitioner's deadline indefinitely. I am willing to allow him an additional 30 days time to submit the required trust fund statement. If, by January 3, 2011, petitioner does not submit the trust fund account statement, his request to proceed in forma pauperis on appeal will be denied for his failure to show that he is entitled to indigent status on appeal.

ORDER

IT IS ORDERED that petitioner's motion for reconsideration of the November 2, 2010 order denying his request for leave to proceed in forma pauperis on appeal, dkt. #14, is GRANTED in part.

Further, IT IS ORDERED that petitioner may have an enlargement of time to January 3, 2011, in which to submit a trust fund account statement for the six-month period beginning approximately April 5, 2010 and ending approximately October 5, 2010. If, by January 3, 2011, petitioner fails to submit the necessary trust fund account statement, I will deny his request for leave to proceed in forma pauperis on appeal.

Entered this 2d day of December, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge