IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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FRANCISCO JAVIER ESTRADA,

                         ORDER

                 Petitioner,

                         10-cv-465-bbc

       v.

WARDEN HOLINKA,

                 Respondent.

- -

As directed in this court's order of December 2, 2010, petitioner Francisco Estrada has submitted a copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount he must be assessed as an initial partial payment of the fee for filing his appeal. In determining whether a petitioner is eligible for indigent status on appeal under 28 U.S.C. § 1915, the court must find both that the petitioner does not have the means to pay the $455 fee for filing his appeal and that the appeal is taken in good faith. 28 U.S.C. § 1915(a)(1) and (3). In an order entered on October 6, 2010, the court found that petitioner's appeal is not taken in bad faith.

From petitioner's trust fund account statement, I conclude that he qualifies for

1

indigent status and that his initial partial payment of the $455 fee for filing his appeal is $10.18. Petitioner must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. Petitioner should show a copy of this order to prison officials to insure that they are aware they should send petitioner's initial partial payment to this court.

ORDER

IT IS ORDERED that petitioner Francisco Estrada's request for leave to proceed in forma pauperis on appeal is GRANTED. Petitioner may have until January 13, 2011, in which to submit a check or money order made payable to the clerk of court in the amount of $10.18. If, by January 13, 2011, petitioner 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 petitioner's obligation to pay the $10.18 initial partial payment and the remainder

of the $455 fee in monthly installments.

Entered this 27th day of December, 2010.

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