

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

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JODY MITCHELL,

Plaintiff,

v.

FRANICIAN SKEMP HOSPITAL,  
in La Crosse, Wisconsin, and  
DR. JAMES LABUZZETTA,

Defendants.

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ORDER

10-cv-631-slc

This is a proposed civil action in which plaintiff Jody Mitchell, who is proceeding pro se, alleges that the defendants violated the Emergency Medical Treatment and Active Labor Act when she was admitted into the Franciscan Skemp Hospital in LaCrosse, Wisconsin on November 15, 2009. Plaintiff has not paid the \$350 fee for filing this action and she has not filed a motion requesting leave to proceed *in forma pauperis*. She has to do one or the other: before the court can take any action on plaintiff's complaint, plaintiff either must pay the \$350 fee for filing her case, or she must submit a petition and affidavit asking permission to proceed without prepayment of fees and/or costs.

IT IS ORDERED that plaintiff may have until November 15, 2010, to complete the enclosed affidavit of indigency form and return it to the court. Alternatively, plaintiff has until November 15, 2010, to pay the \$350 fee for filing her case. If, by November 15, 2010, plaintiff does not pay the filing fee or submit an affidavit of indigency, then the clerk of court is directed to close this case for plaintiff's failure to prosecute.

Entered this 26<sup>th</sup> day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge