

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

LAMONT WALKER,

Plaintiff,

v.

LESLEY BAIRD and C. O. PALMER,

Defendants.

ORDER

10-cv-656-slc

On May 6, 2011, the court granted defendants' motion for summary judgment because plaintiff had failed to exhaust his administrative remedies. Dkt. 31. On May 10, 2011, judgment was entered in favor of defendants, dismissing plaintiff's complaint without prejudice. Dkt. 32.

Now plaintiff has filed a notice of appeal and a request for leave to proceed *in forma pauperis* on appeal under 28 U.S.C. § 1915. Dkts. 33 and 34. I find that his appeal is not taken in bad faith, and he does not have three "strikes" from previous lawsuits.

The only other hurdle to plaintiff's proceeding with his appeal in forma pauperis is the requirement that he make an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status and that he does not owe an initial partial payment of the \$455 fee for filing his appeal. Therefore, I am granting his request to proceed *in forma pauperis* on appeal. See § 1915(a)(1),(3) and (g); *Sperow v. Melvin*, 153 F.3d 780, 781 (7th Cir 1998).

ORDER

IT IS ORDERED that plaintiff Lamont D. Walker's request to proceed *in forma pauperis* on appeal, dkt. 36, is GRANTED.

Entered this 20th day of May, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge