

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

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DAMIEN T. GREEN TIMOTHY CROWLEY,  
WILLIAM McDOUGAL, TERRY ANDERSON and  
CURTIS SINGLETON,

ORDER

Plaintiffs,

10-cv-745-slc

v.

GREGORY GRAMS, Warden, JIM DOYLE, Governor,  
KURT SCHWEBKE, JERRY MAIER, RICK RAEMISCH,  
Secretary, JANE DOES 1-12 and JOHN DOES 1-12,

Defendants.

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This is a group action brought by plaintiffs, inmates at the Columbia Correctional Institution, alleging violations of their constitutional rights. In an order entered in this case on December 17, 2010, I explained that under *Boriboune v. Berge*, 391 F.3d 852, 856 (7th Cir. 2004), each plaintiff is subject to the Prisoner Litigation Reform Act and must pay a separate \$350 filing fee. In addition, I cautioned plaintiffs about the consequences of prosecuting this lawsuit in a group complaint. I gave plaintiffs until January 20, 2011, to advise the court whether each of them wishes to prosecute this action jointly. In the same order, I gave plaintiff Green until January 20, 2011 to pay \$1.09 as an initial partial payment of the \$350 filing fee and all other plaintiffs until January 20 to submit a trust fund account statement covering the period from May 30, 2010 to November 29, 2010 so that initial partial payments could be assessed.

In response to the December 17 order, the court has received a letter from plaintiff Singleton opting out of the lawsuit. Also, plaintiff Green has made his \$1.09 payment and plaintiff Crowley has submitted the required trust fund account statement. There has been no response from plaintiffs McDougal and Anderson.

From plaintiff Crowley's statement, I have calculated his initial partial payment to be \$16.01. If plaintiff Crowley does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff Crowley is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount he must pay at this time is the \$16.01 initial partial payment. Before prison officials take any portion of that amount from plaintiff Crowley's release account, they may first take from his regular account whatever amount up to the full amount he owes.

In addition, plaintiff Crowley has not signed the complaint as required by Fed. R. Civ. P. 11. He may have until February 11, 2011 to sign the last page of the complaint and return it to the court. If plaintiff Crowley fails to respond by February 11, I will dismiss him from this case.

Because plaintiff Singleton does not wish to proceed as a plaintiff in this case, he will be dismissed from the case without owing a filing fee. In addition, because plaintiffs McDougal and Anderson have not responded to the court's order, I will assume that they have voluntarily withdrawn from this lawsuit and dismiss them from the case and not charge them any portion of the \$350 filing fee.

With regard to future filings in this case, plaintiffs Green and Crowley should be aware of the rules governing communications with the court and parties to the lawsuit. Those rules are listed in a book titled "Federal Civil Judicial Procedure and Rules." In particular, plaintiffs are directed to Rule 5, which requires that every piece of paper in connection with a lawsuit be served on each party, and Rule 11, which requires a signature on every pleading, written motion

and other paper. Both plaintiffs are equally responsible for the prosecution of this lawsuit. Any document that purports to state the position of both plaintiffs must be *signed* by both plaintiffs. If a plaintiff intends to file a document on his behalf only, that plaintiff must provide a copy of the document to the other plaintiff and indicate that he has served all parties in the case, or his filing will not be considered.

#### ORDER

IT IS ORDERED that

1. Plaintiff Crowley may have until February 11, 2011, in which to file a signed copy of the complaint in this case and submit \$16.01 as an initial partial payment of the \$350 fee for filing this case. If, by February 11, 2011, plaintiff Crowley fails to submit a signed complaint and make the necessary initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.
2. Plaintiffs Curtis Singleton, William McDougal and Terry Anderson are considered to have opted out of this lawsuit and are DISMISSED from the action. None of these plaintiffs owe any portion of the \$350 filing fee.

Entered this 22<sup>nd</sup> day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge