

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

RAPHAEL MADDOX,

Plaintiff,

v.

Dr. PENNY DENNISON and
Dr. BRET REYNOLDS,

Defendants.

ORDER

10-cv-98-wmc

Plaintiff Raphael Maddox has filed a letter asking the court modify or suspend his current filing fee obligations in this case under 28 U.S.C. § 1915(b)(2). In his letter, plaintiff states that he receives approximately \$9.20 a month, half of which goes to pay child support, 10% of which goes to his release account and the remainder of which is used to purchase hygiene items and writing materials. Plaintiff asks to defer his filing fee obligations in this case until his release from prison in April 2011. Because this court does not have authority to alter payments mandated by statute, plaintiff's request will be denied.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the statutory filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2). If the prisoner then files additional complaints or appeals, the amount owed increases as well. *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997), *rev'd on other grounds by Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000), and *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000). Using the formula described above,

plaintiff is required to pay 20% of his monthly income until he has paid the remaining balance for this case in full. Court records reflect that plaintiff has an outstanding balance of \$332.19.

Although I appreciate plaintiff's frustrations over the limitations on his ability to purchase commissary items, this court is bound by the provisions of the Prison Litigation Reform Act. This court has no discretion to modify the method in which the fee for filing this case is collected. Therefore, I must deny plaintiff's motion to defer or suspend his monthly payments.

ORDER

IT IS ORDERED that plaintiff's motion to defer payment of the filing fee, dkt. #32, is DENIED.

Entered this 7th day of February, 2010

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge