

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

JAMES J. KAUFMAN,

Plaintiff,

v.

JEFFREY PUGH, CRAIG W. LINDGREN,
SANDRA COOPER, TERRY SHUK,
ISMAEL OZANNE, CAROL GARCEAU,
MARC W. CLEMENTS and RANDALL HEPP,

Defendants.

ORDER

11-cv-168-bbc

Judgment was entered in this case on September 14, 2012, dismissing defendant Hepp and granting the remaining defendants' motion for summary judgment and closing this case. On December 19, 2012 I denied plaintiff's September 19, 2012 motion to alter or amend the judgment. Now before the court is plaintiff's notice of appeal and request to proceed in forma pauperis on appeal.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him and I do not intend to certify that his appeal is not taken in good faith.

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). Plaintiff has not submitted the necessary trust fund account statement. Until he does so, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that plaintiff James Kaufman may have until January 28, 2013, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately June 24, 2012 to approximately December 24, 2012. If, by January 28, 2013, plaintiff fails to submit the required trust account statement or show cause for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 7th day of January, 2013.

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