

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

MICHAEL A. HUSTON,

Plaintiff,

v.

JOSEPH STARKEY, WISCONSIN DOC
and ANN CARTMAN,

Defendants.

ORDER

11-cv-169-slc

Plaintiff Michael A. Huston, a former inmate at St. Croix County Jail in St. Croix, Wisconsin, has submitted a proposed complaint. Plaintiff has not submitted the \$350 filing fee so I construe his complaint to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff submits a trust fund account statement as required by 28 U.S.C. § 1915(a)(2) and the 1996 Prison Litigation Reform Act. Although plaintiff is no longer in the custody of the Wisconsin Department of Corrections, the court requires his trust fund account statement in order to assess his initial partial payment. In addition, plaintiff must also fill out and return the enclosed affidavit of indigency.

Plaintiff's complaint was signed on March 2, 2011. His trust fund account statement should cover the four-month period beginning approximately September 2, 2010 and ending when he was released on January 4, 2011. Once plaintiff has submitted the necessary statement and his affidavit of indigency for the period from January 4-March 2, 2011, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy

of this order to jail officials to insure that they are aware they should send a copy of plaintiff's trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Michael Huston may have until March 24, 2011, in which to submit an affidavit of indigency and a certified copy of his trust fund account statement for the period beginning approximately September 2, 2010 and ending approximately January 4, 2011. If, by March 24, 2011, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 9th day of March, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge