

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

CHARLES L. WADE,

Plaintiff,

v.

DOUGLAS COUNTY DISTRICT ATTORNEY'S
OFFICE, DOUGLAS COUNTY SHERIFF'S
OFFICE and UNITED STATES OF AMERICA,

Defendants.

ORDER

11-cv-596-wmc

In response to this court's August 26, 2011 order, plaintiff Charles Wade, has submitted a certified copy of his inmate account statement so that I can determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350 fee for filing this case. Because plaintiff is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint *in forma pauperis*, plaintiff will have to make an initial partial payment of the filing fee in the amount of \$6.71 and the remainder of the fee in monthly installments even if his request for leave to proceed is denied. Plaintiff should show a copy of this order to prison officials in order to insure that they are aware they should send plaintiff's initial partial payment to this court. Once plaintiff's payment has been received, his complaint will be taken under advisement for screening to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made.

One additional matter requires attention. The motion for appointment of counsel plaintiff submitted with his inmate account statement is not signed as required by Fed. R. Civ. P. 11. If plaintiff wishes to have this motion considered, he will be required to file a signed copy of this document. A copy of the motion is being returned to plaintiff with his copy of this order so that he may sign and return the document to this court not later than October 13, 2011.

ORDER

IT IS ORDERED that

- (1) Plaintiff Charles Wade may have until October 13, 2011, in which to file a signed copy of the motion for appointment of counsel and submit \$6.71 as an initial partial payment of the \$350 fee for filing this case.
- (2) If, by October 13, 2011, plaintiff fails to submit a signed copy of his request for appointment of counsel, that motion will be considered withdrawn.
- (3) If, by October 13, 2011, plaintiff fails to submit the \$6.71 initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 21st day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge