

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

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PARISH GOLDEN,

Plaintiff,

ORDER

v.

11-cv-616-bbc

LT. STUTLEEN, CO II RAUSCH,  
CO II FRISCH, CO II BIEMERET  
and CO II DEBROUX,

Defendants.  
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In order entered on November 18, 2011, I denied plaintiff Parish Golden's motion to pay the remaining balance of the filing fees and other legal costs from his release account funds. Now plaintiff has filed a titled "Motion to Alter or Amend" in which he requests reconsideration of the November 18 order denying the use of his release account funds to pay for his legal expenses and filing fee in this case.

In support of his motion, plaintiff cites a 2007 case from the Eastern District of Wisconsin in which Hon. Charles N. Clevert, Jr. allowed the pro se plaintiff to use funds from his release account to pay his legal expenses. Famous v. Pollard, 07-cv-847-cnc. Judge Clevert noted that "the plaintiff may use funds from his prison release account only to pay legal expenses incurred in this case, not expenses from other legal proceedings that the plaintiff has pending or files in the future." This appears to be an exceptional circumstance

in one particular case.

The use of release account funds is governed by state law. *See* Wis. Admin. Code § DOC 309.466. According to § 309.466(2), “[p]rior to release, the department may authorize the disbursement of release account funds for purposes that will aid the inmate’s reintegration into the community or that will reimburse the department for incarceration costs, including legal loans and restitution.” Further, nothing in the 1996 Prison Litigation Reform Act can be read as requiring the state to allow a prisoner to use his release account funds in the manner plaintiff requests. The only exception is that release funds can be used to pay an initial partial filing fee under the 1996 Prison Litigation Reform Act. Accordingly, plaintiff’s motion for reconsideration of the denial of his request for an order allowing him to use his release account for payments other than the initial partial payment will be denied.

ORDER

IT IS ORDERED that plaintiff Parish Golden’s motion for reconsideration, dkt. #25, is DENIED.

Entered this 2d day of December, 2011.

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