

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

---

PHILLIP SWANKS,

Plaintiffs,

v.

JANE DOE, et al,

Defendants.

---

ORDER

12-cv-702-wmc

Plaintiff Phillip Swanks, who is proceeding in this case *pro se* has filed a proposed complaint. Plaintiff did not pay the \$350 filing fee nor did he submit a request for leave to proceed without prepayment of the filing fee. I will give plaintiff an opportunity to either pay the \$350 filing fee in this case or to submit a petition and affidavit to proceed without prepayment of fees and/or costs. I am enclosing a blank petition and affidavit form to plaintiff with this order.

ORDER

IT IS ORDERED that plaintiff Phillip Swanks may have until October 19, 2012, in which to submit either the \$350 filing fee or a petition and affidavit to proceed without prepayment of fees and/or costs. If, by October 19, 2012, plaintiff fails to respond to this order as directed, 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 this case at a later date.

Entered this 28<sup>th</sup> day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

---

Phillip Swanks,  
Full name of plaintiff(s)

Case No. 12-cv-702-wmc  
(Provided by the clerk of court)

v.

Jane Doe, et al .,  
Full name of defendant(s)

---

**PETITION AND AFFIDAVIT TO PROCEED  
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

---

I, \_\_\_\_\_, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

**I. Personal Information**

1) Are you currently incarcerated?             Yes             No

If “No,” go to question 2. Complete all sections.

If “Yes,” answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

\_\_\_\_\_

(place)

\_\_\_\_\_

(number)

(b) Are you employed at the institution?             Yes             No

(c) Do you receive any payment from the institution?  Yes             No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

**Personal Information - continued**

2) Are you employed?  Yes  No

3) Are you currently married?  Yes  No

If "Yes," is your spouse employed?  Yes  No

4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?

Yes  No

If "Yes," list them below:

<u>First and Last Initials (For Minor Children Only) or Name</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Per Month</u>
<u>Provided</u>			
_____	_____	\$ _____	
_____	_____	\$ _____	
_____	_____	\$ _____	

**II. Income - If you are married, your answers *must include your spouse's income.***

*(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)*

State your total *monthly* income? \$ \_\_\_\_\_

Provide the name of your employer(s): \_\_\_\_\_

State your spouse's total *monthly* income? \$ \_\_\_\_\_

State the amount of money you have received from any other source in the last twelve months (e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

<u>Source of income</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____

**III. Expenses** - If you are married and/or have dependents, *your expenses should also include your household's expenses.*

*(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)*

1) Identify the following amounts that you pay per month:

<input type="checkbox"/> Rent or	<input type="checkbox"/> Mortgage	\$ _____
Car payment(s)		\$ _____
Alimony and/or court-ordered child support		\$ _____
Credit card payment(s)		\$ _____

2) Do you have any other monthly expenses that you have not already identified?

Yes       No

If "Yes," list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

3) What is the total amount of your monthly expenses?      \$ \_\_\_\_\_

**IV. Property** - If you are married, your answers must *include your spouse's property.*

1 ) Do you own a car?       Yes       No      If "Yes," list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

2) Do you own your residence(s)?       Yes       No

If "Yes," state the approximate value(s). \$ \_\_\_\_\_

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ \_\_\_\_\_

**IV. Property - continued**

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques?  Yes  No

If "Yes," identify the property and approximate value(s).

<u>Property</u>	<u>Approximate Value</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

4) Do you have any cash or checking, savings, or other similar accounts?  Yes  No

If "Yes," state the total amount of such sums. \$ \_\_\_\_\_

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?  
 Yes  No

If "Yes," state the nature of that property and approximate value(s).

\_\_\_\_\_

**V. Other Circumstances** - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature - Signed Under Penalty of Perjury**