

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

KENNETH W. PENDLETON,

Plaintiff,

v.

MADISON POLICE DEPARTMENT,
DET. JOHN MESSERT and
P.O. KELLEY E. DOUGHERTY,

Defendants.

ORDER

12-cv-84-bbc

Plaintiff Kenneth Pendleton has filed a letter regarding the collection of the filing fee in this closed case. In his letter, plaintiff asks the court to waive or modify his obligation to pay 20% of his prison income towards the balance owed on the fee for filing this civil action. Plaintiff says that he did not understand that this money would be taken out on top of the other funds the institution withholds for other fees and obligations. Plaintiff asks the court to stop collection until he is released from prison so that he has some money to purchase hygiene products. I will construe petitioner's letter as a motion to waive or reduce his monthly payments of the unpaid balance of his filing fees, but I cannot grant the motion.

Although I understand petitioner's frustrations with being unable to purchase hygiene products, this court is bound by the provisions of the Prison Litigation Reform Act. Under that Act, an inmate who files a lawsuit in federal court under the in forma pauperis statute

must pay the statutory filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2) until the remaining balance for his case is paid in full. Court records reflect that plaintiff has an outstanding balance of \$322.58.

Congress has dictated the manner in which filing fees are collected and I have no discretion to modify this method or to exempt any part of plaintiff's income from withholding. Therefore, I must deny plaintiff's motion to waive or reduce his monthly payments.

ORDER

IT IS ORDERED that plaintiff's motion to reduce the monthly payment of his filing fees is DENIED.

Entered this 30th day of July, 2012.

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