

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

JOSEPH A. WILLIAMS,

Plaintiff,

v.

WARDEN ROBERT WERLINGER,

Defendant.

ORDER

13-cv-819-bbc

Judgment was entered in this case on November 17, 2014 after I dismissed plaintiff Joseph Williams's complaint without prejudice to his refiling it when he can locate the defendant and service can be completed. Now plaintiff has filed a notice of appeal. Because plaintiff has not paid the \$505 fee for filing an appeal, I construe his notice as a request for leave to proceed in forma pauperis on appeal.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him and I do not intend to certify that his appeal is not taken in good faith.

The only other hurdle to proceeding on the appeal in forma pauperis is the

requirement that plaintiff make an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Plaintiff has not submitted the necessary trust fund account statement. Until he does so, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

ORDER

IT IS ORDERED that plaintiff may have until January 28, 2015, in which to submit a certified copy of his trust fund account statement for the six-month period from approximately June 5, 2014 to approximately December 5, 2014. If by January 28, 2015, plaintiff fails to submit the required trust account statement or show cause for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 7th day of January, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge