

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

DONALD CHARLES WILSON,

Plaintiff,

ORDER

14-cv-222-bbc
App. No. 16-1889

v.

DR. PATRICK MURPHY, DR. LORI
ADAMS, and the WISCONSIN
DEPARTMENT OF CORRECTIONS,

Defendants.

Judgment was entered in this case on March 29, 2016, after summary judgment was granted in favor of defendants Dr. Patrick Murphy, Dr. Lori Adams and the Wisconsin Department of Corrections. Now plaintiff Donald Charles Wilson has filed a notice of appeal and requests leave to proceed in forma pauperis on appeal.

A district court has authority to deny a request for leave to proceed in forma pauperis on appeal for one or more of the following reasons: the litigant wishing to take an appeal has not established indigence, the appeal is taken in bad faith or the litigant is a prisoner and has three strikes. 28 U.S.C. § 1915(a)(1),(3) and (g); *Sperow v. Melvin*, 153 F.3d 780, 781 (7th Cir. 1998). After considering plaintiff's request and supporting documentation, I conclude that plaintiff has established his indigence. Further, plaintiff does not have three strikes against him and his appeal is not being taken in bad faith. Therefore, I conclude that

plaintiff is eligible to proceed in forma pauperis on appeal.

Under 28 U.S.C. § 1915(b)(1)-(2), indigent inmates are required to pay the full amount of the \$505 docketing fee for a notice of appeal in increments, starting with an initial partial payment. From my review of plaintiff's inmate trust fund account statement, I find that plaintiff is able to make an initial partial payment of \$20.93, to be paid no later than May 19, 2016. Thereafter, plaintiff shall pay the remainder of the \$505 appellate docketing fee for each case in monthly installments in accordance with 28 U.S.C. § 1915(b)(2).

If the balance in plaintiff's regular account is not sufficient to make the initial partial appeal payment, arrangements will have to be made by plaintiff with prison authorities to pay some or all of the fee from plaintiff's release account. The only amount plaintiff must pay at this time is the \$20.93 initial partial appeal payment. Before prison authorities take any portion from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount is owed.

ORDER

IT IS ORDERED that the request of plaintiff Donald Charles Wilson, to proceed without prepayment of the \$505.00 appeal fee is GRANTED. Plaintiff may have until May 19, 2016, in which to submit a check or money order made payable to the clerk of court in the amount of \$20.93. If, by May 19, plaintiff fails to pay the initial partial appeal payment, or show cause for failure to do so, I will advise the court of appeals of plaintiff's

noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that this court's financial records reflect plaintiff's obligation to pay the \$20.93 initial partial appeal payment and the remainder of the \$505.00 appeal fee for this case.

Entered this 29th day of April, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge