

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

FREDERICK ROGERS,

Plaintiff,

v.

C. O. LOCKWOOD,

Defendant.

ORDER

01-C-589-C

On October 3, 2003, I reserved a ruling on plaintiff's request for leave to proceed in forma pauperis on appeal. I noted that plaintiff does not have three strikes against him and that I did not intend to certify that his appeal is not taken in good faith. However, I could not determine whether plaintiff was eligible for indigent status on appeal because he had failed to submit a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal as required by 28 U.S.C. § 1915(a)(2). Therefore, I gave plaintiff until October 24, 2003, in which to submit a certified copy of his trust fund account statement for the period beginning approximately April 3, 2003 and ending approximately October 3, 2003. I cautioned plaintiff that if, by October 24, 2003, he failed to submit the required statement or show cause for his failure

to do so, then I would deny his request for leave to proceed in forma pauperis on appeal on the ground that he had failed to show that he is entitled to indigent status on appeal.

Plaintiff has not submitted the required trust fund account statement. Instead, on October 27, 2003, he sent the Court of Appeals for the Seventh Circuit an affidavit of indigency, which the court of appeals has now forwarded to this court. The form for an affidavit of indigency that plaintiff used does not reveal the information that a certified trust fund account statement would reveal. Indeed, it includes a notice to the affiant that if he is a prisoner, he must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in his institutional accounts. Plaintiff has not followed the advice in this notice or the court's directive.

Accordingly, IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on appeal is DENIED for plaintiff's failure to show that he qualifies for indigent status on appeal. Nevertheless, plaintiff owes the \$105 fee for filing his appeal.¹ In a separate letter to the warden of the Columbia Correctional Institution where plaintiff is presently confined, I am advising the warden of plaintiff's financial obligation in this case and requesting that the funds be taken from plaintiff's account in monthly installments

¹The fee for filing a notice of appeal increased to \$255 on November 1, 2003. However, because plaintiff filed his notice of appeal before November 1, his filing fee remains \$105.

pursuant to 28 U.S.C. § 1915(b)(2) until the \$105 fee is paid in full.

Entered this 4th day of November, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge