

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

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NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

MATTHEW J. FRANK, Secretary of the Wisconsin Department of Corrections, JON E. LITSCHER, former Secretary of the Wisconsin Department of Corrections; CINDY O'DONNELL, Deputy Secretary to Litscher; JOHN RAY, Corrections Complaint Examiner ("C.C.E."); GERALD BERGE, Warden at Supermax Correctional Institution; PETER HUIBREGTSE, Deputy Warden of Supermax; LIEUTENANT JULIE BIGGAR, a Lt. at Supermax; ELLEN RAY, I.C.E.; SGT. JANTZEN; C.O. WETTER; C.O. S. GRONDIN; C.O. MUELLER; C.O. CLARK, all guards at Supermax; JOHN SHARPE, Manager Foxtrot Unit at Supermax,

Defendants.  
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ORDER

02-C-21-C

In an order dated June 13, 2003, I gave plaintiff until June 30, 2003, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately January 1, 2003 to approximately June 1, 2003, so that I could

assess an initial partial payment of the fee for filing his notice of appeal in this case. I advised plaintiff that if, by June 30, 2003, he failed to submit the required statement or show cause for his failure to do so, I would deny his request for leave to proceed in forma pauperis on the ground that he had failed to show that he is entitled to indigent status on appeal. Now plaintiff has written to ask whether the court received his statement. He states that he asked prison staff to provide the statement but has not received proof that it was sent to the court. The court has not received a trust fund account statement for plaintiff. However, from the history of this case and other cases filed by plaintiff in this court, I am fully aware of his indigent status and his lack of means to pay an initial partial payment of the filing fee in this case. Therefore, rather than delay this matter further, I will allow plaintiff to proceed in forma pauperis on appeal without requiring prepayment of an initial partial payment of the filing fee. However, as soon as funds become available to plaintiff in his inmate account, plaintiff will have to pay the \$105 fee in monthly installments pursuant to 28 U.S.C. § 1915(b)(2).

#### ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on appeal is GRANTED. As soon as funds exist in his prison account, he is to pay the \$105 fee

for filing his appeal in monthly installments pursuant to 28 U.S.C. § 1915(b)(2).

Entered this 11th day of July, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge