

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

FREDERICK W. BAUER,

Petitioner,

v.

EMPLOYEES OF FEDERAL BUREAU OF
PRISONS (BOP), THEIR PENSION FUND,
CREDIT UNION, BANK ACCOUNTS, and
ANY OTHER FINANCIAL ACCOUNTS OR
INSTITUTIONS, including FEDERAL EMPLOYEE
RETIREMENT SYSTEM [FERS] and THRIFT
FUND, KATHLEEN HAWK SAWYER, BOP-
Director, MARY ELLEN THOMS, Reg. Designator,
H. HALL, Ad. Remedy Coordinator, LARRY E.
DUBOIS, Reg. Dir. (1989), GARY R. GASELE,
Superintendent at FPC-Duluth (1989), PENNY
FREDERICKS, Case Manager, WILLIAM J. SEELY,
Camp Admin. (Oxf), BETTE JARVIS, Case Mgr. (Oxf),
JOE KOPACH, Counselor (Oxf), GREG MACKEY,
Capt. (Oxf/Spfd), WILBUR PARE, Lieutenant (Oxf),
MIKE MOORE, Officer/Lt. (Oxf/Sst), GENE GIL,
Warden (Sst-1989), JAMES PETERSON, Unit Mgr.
(Sst), DUWAYNE TRUAX, Case Mgr. (Sst), WILLIAM
GAEDE, Counselor (Sst), DIANE FREDERICKSEN,
Superv. ISM, JIM MARVIS, Officer ISM/R&D,
OTHERS AS YET KNOWN HEREBY DESIGNATED
AS JOHN DOE DEFENDANTS 1-200,

Respondents.

ORDER

02-C-533-C

- - - - -

Petitioner Frederick W. Bauer, a prisoner at the Federal Correctional Institution in Waseca, Minnesota, submitted a proposed complaint for filing in the United States District Court for the Northern District of California on September 9, 2002, and requested leave to proceed in forma pauperis. The California district court observed that petitioner had failed to submit a trust fund account statement for the six-month period immediately preceding the filing of his complaint as required by 28 U.S.C. § 1915(a)(2) and noted in a “clerk’s notice” docketed September 9, 2002 that petitioner would have to submit the statement within 30 days or his case would be dismissed. In response to this directive, petitioner submitted copies of orders from various courts granting him indigent status, but his trust fund account statement is not included with these documents. Rather than dismissing the case or resolving the question of petitioner’s indigency, however, the district court transferred the case to this court, noting that venue is improper in the Northern District of California and proper here.

In 1989, petitioner was a defendant in this court in a criminal case, United States of America v. Frederick W. Bauer, 89-CR-95-C. At the time that action was pending, petitioner moved several times for appointed counsel. All of these motions were denied because petitioner was unwilling to disclose information about his finances that would have allowed this court to determine his financial status. In his criminal case, there was strong

evidence that petitioner possessed substantial assets. His statements to the probation officer in 1989, the testimony of witnesses at his January 1990 trial and evidence proffered by the government in a hearing before the magistrate judge in this district held on January 12, 1990, suggested then that petitioner had assets of well over a half-million dollars. In the 13 years that have passed since petitioner's criminal conviction in this court, petitioner has not disclosed the whereabouts of his assets. He has paid only \$58.50 of the \$255,000 in fines he was ordered to pay in his criminal case.

It is unclear why petitioner has refused to submit his trust fund account statement. Even if he had submitted it as ordered, however, neither the trust fund account statement nor the papers he has filed in support of his claim of indigency are sufficient to dispel my conviction that petitioner is hiding assets worth hundreds of thousands of dollars.

Accordingly, IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis in this case is DENIED. Petitioner may have until October 22, 2002, in which to pay the \$150 fee for filing this action as required by 28 U.S.C. § 1915(b)(1). If, by October 22, 2002, petitioner fails to pay the fee, then I will dismiss this action. In that event, I will direct the warden of the Federal Correctional Institution in Waseca, Minnesota, to begin collecting monthly payments from petitioner's account and forwarding them to this court

until the filing fee is paid in full.

Entered this 2nd day of October, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge