

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

MARK GRANSBERRY,

Petitioner,

v.

WISCONSIN DEPARTMENT OF
CORRECTIONS UNIT MANAGER
ELISABETH TEGELS and WARDEN
THOMAS E. KARLEN,

Respondents.

ORDER

02-C-598-C

Petitioner Mark Gransberry, a prisoner at the Jackson Correctional Institution in Black River Falls, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. Because petitioner is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may determine whether he will be permitted to proceed with his complaint in forma pauperis, petitioner will have to pay an initial partial payment of the filing fee in the amount of \$26.36 and the remainder of the fee must be taken from his trust fund account in monthly installments thereafter even if petitioner's request for leave to proceed is denied. If petitioner cannot pay the initial partial payment from funds presently available to him in his regular account, he will have to make arrangements with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to direct prison authorities to pay *all* of his filing fee from his release account. If he intends to continue with this lawsuit, the only amount petitioner must pay at this time is the \$26.36 initial

partial payment. Before they are required to take any portion of that amount from petitioner's release account, prison officials may first take whatever amount up to the full amount petitioner owes from his regular account.

ORDER

IT IS ORDERED that petitioner is assessed \$26.36 as an initial partial payment of the \$150 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$26.36 on or before November 26, 2002. If, by November 26, 2002, petitioner fails to pay the initial partial payment or show cause for his failure to do so, I will assume that he wishes to withdraw this action voluntarily and the clerk

of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 5th day of November, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge