

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

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ALGENONE WILLIAMS,

Plaintiff,

ORDER

v.

02-C-0070-C

LOMEN, KARNOPP, HEISZ,  
and GEBHARD, in their individual/  
personal and official capacities,

Defendants.

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Judgment was entered in this action on January 27, 2003, granting defendants' motion for summary judgment and closing the case. Now plaintiff has filed a notice of appeal. Because plaintiff is a prisoner, the 1996 Prison Litigation Reform Act applies to his appeal. This means that I must determine whether plaintiff's appeal is barred because he has three strikes against him under 28 U.S.C. § 1915(g) or whether it must be certified as not having been taken in good faith. Plaintiff does not have three strikes against him, and I do not intend to certify that his appeal is not taken in good faith.

The 1996 Prison Litigation Reform Act requires also that plaintiff pay the \$105 fee for filing his notice of appeal, beginning with an initial partial payment of the filing fee that

has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Plaintiff has not submitted the necessary trust fund account statement.

Accordingly, IT IS ORDERED that plaintiff may have until February 21, 2003, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately August 1, 2002 and ending approximately February 1, 2003. If, by February 21, 2003, plaintiff fails to submit the required statement or show cause for his failure to do so, then I will deny plaintiff's request for leave to proceed on appeal in forma pauperis for his failure to show that he qualifies financially for pauper status.

Entered this 31st day of January, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge