

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

RODOSVALDO POZO,

Plaintiff,

ORDER

v.

02-C-12-C

BRAD HOMPE, CAPT. BLACKBOURN,
WARDEN GERALD BERGE,
SGT. HUIBRETSE and JON LITSCHER,

Defendants.

As directed in this court's order of May 2, 2003, plaintiff Rodosvaldo Pozo has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the May 2 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.)

From plaintiff's trust fund account statement, I conclude that he is qualifies for

indigent status and that he presently has no means with which to pay an initial partial payment of the \$105 fee for filing his appeal. Nevertheless, plaintiff should be aware that he is obligated to pay the \$105 filing fee, even if he does not presently have funds with which to do so. His account will be monitored and the fee must be taken in monthly installments when the funds exist.

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on appeal is GRANTED.

Entered this 15th day of May, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge