

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

HARRY LEROY GANT,
Soc. Sec. #307-66-6537,

Petitioner,

v.

DANE COUNTY SHERIFF OFFICE
and DR. STENGER,

Respondents.

ORDER

00-C-360-C

Twice earlier in this case, I directed petitioner Harry Leroy Gant to submit a certified trust fund account statement for the period beginning December 5, 1999 and ending June 5, 2000, so that I could calculate an initial partial payment of his filing fee as required by 28 U.S.C. § 1915. Petitioner has failed to comply with either directive, alleging that he asked jail officials for a copy of his statement “to no avail.” In an order entered on July 26, 2000, I advised petitioner that because the obligation to provide prisoners who need them with trust fund account statements is required by federal statute, I did not think it was likely that jail officials would deny a proper request. Therefore, I advised petitioner that if he intended to

persist in his allegation that jail officials were ignoring his requests for a trust fund account statement, he would have to submit, no later than August 17, 2000, copies of the written requests he had made to jail officials showing to whom the request was addressed and the date on which it was made, as well as any written responses he received to prove that the requests had been denied.

For the third time, petitioner has responded with a letter reiterating his position that he cannot get the required statement. Although he claims to have sent in “two request slips,” he does not provide copies of them. He claims also to have spoken with a Deputy Locket, who advised petitioner that “there is no one particular person who works in booking” to whom he can address his request.

Few inmates held in the Dane County jail since enactment of the 1996 Prisoner Litigation Reform Act have filed lawsuits in this court. Of those who have, the court’s records reflect that they either paid the filing fee in full or withdrew their lawsuits before they were required to provide trust fund account statements. Therefore, my experience does not enable me to determine whether there is or is not a procedure in place at the Dane County jail through which inmates may obtain trust fund account statements or whether petitioner is simply failing to follow the procedure. In either event, I do not wish to delay this matter any further. Therefore, I am sending a copy of this order to the Dane County Sheriff and asking, as a matter

of courtesy only, whether he would provide this court, in writing, with a copy to Mr. Grant, 1) a summary of the procedure an inmate confined at the Dane County jail must follow in order to obtain a certified copy of his trust fund account statement as required by 28 U.S.C. § 1915; and 2) that he ask appropriate officials at the Dane County jail to submit to this court promptly a certified copy of Mr. Gant's trust fund account statement for the period beginning December 5, 1999 and ending June 5, 2000.

Entered this 23rd day of August, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge