

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

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PATRICK A. FLAYTER,

Plaintiff,

ORDER

00-C-429-C

v.

STATE OF WISCONSIN DEPARTMENT OF  
CORRECTIONS; MICHAEL J. SULLIVAN,  
Secretary, Department of Corrections;  
SHARON ZUNKER, Director of Bureau of  
Correctional Health Services; DR. THOMAS MALLOY,  
Medical Consultant; DR. GEORGE M. DALEY,  
Medical Consultant; DR. VICTOR  
GUZMAN, Treating Physician; PAT SIEDSCHLAG,  
Manager of Health Services Unit; CONNIE WIERSMA,  
Program Assistant for Health Services Unit;  
JEFFREY ENDICOTT, Warden at Columbia  
Correctional Institution; and DR. ROBERT COONEY,  
Treating Physician.

Defendants.

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Judgment was entered in this case on September 29, 2000, dismissing with prejudice pursuant to 28 U.S.C. § 1915A plaintiff Patrick Flayter's claims relating to his transfer, access to his medical records, his inmate grievance, his request for an accommodation and any state

law claims because they were without legal merit and his claims of inadequate medical care and conspiracy for his failure to state a claim upon which relief may be granted. Also, the judgment recorded a strike against plaintiff in accordance with 28 U.S.C. § 1915(g). Now plaintiff has filed a notice of appeal. He requests leave to proceed on appeal in forma pauperis.

Because plaintiff is a prisoner, his request for leave to proceed in forma pauperis on appeal is governed by the 1995 Prison Litigation Reform Act. This means that the district court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not 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 only other hurdle to plaintiff's proceeding with his appeal in forma pauperis is the requirement that he be found indigent and, if he is indigent, that he pay 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. What he has submitted covers only two days in October, 2000.

Accordingly, IT IS ORDERED that plaintiff may have until November 17, 2000, in which to submit a certified copy of his trust fund account statement for the six-month period

beginning approximately April 2, 2000 to approximately October 2, 2000. If, by November 17, 2000, 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 in forma pauperis on appeal on the ground that he has failed to show that he is entitled to indigent status.

Entered this 2nd day of November, 2000.

BY THE COURT:

BARBARA B. CRABB  
District Judge