IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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BERRELL FREEMAN,

                    Petitioner,   ORDER

        v.   03-C-0021-C

GERALD BERGE and
JON E. LITSCHER,

                    Respondents.

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Petitioner Barrell Freeman, a prisoner at the Wisconsin Secure Program Facility

Correctional Institution in Boscobel, Wisconsin, has submitted a proposed complaint. He

asks for 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 decide

whether he can proceed with his complaint in forma pauperis, petitioner will have to pay an

initial partial payment of the filing fee in the amount of $2.11 and the remainder of the fee

in monthly installments even if his request for leave to proceed is denied. If petitioner does

not have the money to pay the initial partial payment in his regular account, he will have to

arrange with prison authorities to pay some or all of the assessment from his release account.

This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee

from his release account. The only amount petitioner must pay at this time is the $2.11 initial partial payment. Before they 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 $2.11 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 $2.11 on or before February 3, 2003. If, by February 3, 2003, 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 21st day of January, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge