

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

MAXLEE D. HAASE,

Petitioner,

v.

COUNTY OF ROCK,
51 South Main St.
Janesville, WI, 53545,

Respondent.

ORDER

03-C-426-C

Petitioner Maxlee D. Haase has filed a proposed complaint in this court and has requested leave to proceed in forma pauperis. When he filed the complaint, petitioner stated in the body of his complaint that his return address was P.O. Box 72, Greenville, Wisconsin, 54942. However, the envelope bearing the proposed complaint shows a different return address, that being the Rock County Jail, 200 E. Hwy. 14, Janesville, Wisconsin. In a subsequent communication, petitioner listed a third return address : 723 E. Lake St., Waupaca, Wisconsin, 54981.

Before the court can consider whether petitioner qualifies for pauper status, it will be necessary to know whether he was being held at the Rock County jail at the time he filed his complaint. If he was, then he is subject to the 1996 Prison Litigation Reform Act, which

requires that he pay an initial partial payment of the \$150 fee for filing his complaint before the court reviews the merits of his complaint, and the remainder of the fee in monthly installments until the fee is paid in full. The initial partial payment is to be calculated from petitioner's trust fund account statement for the six-month period immediately preceding the date he filed his complaint.

If petitioner was not incarcerated at the time he filed his complaint, he will have to submit a supplemental affidavit of indigency to support his request for pauper status. In the affidavit petitioner sent to the court with his complaint, he avers that he was last employed in March 2003, and that he has no assets and no income. However, nothing in the affidavit reveals how petitioner pays for his basic necessities such as food, shelter and clothing.

Therefore, IT IS ORDERED that petitioner may have until August 29, 2003, in which to advise the court

1) whether he was being held at the Rock County jail at the time he submitted his complaint for filing; and

2) what his current address is.

Further, IT IS ORDERED that no later than August 29, 2003, petitioner is to supplement his request for leave to proceed in forma pauperis with one of the following two items:

1) if he was a prisoner at the time he filed his complaint, a trust fund account statement covering whatever period of time he was incarcerated in the six month period

immediately preceding the filing of his complaint on August 6, 2003;

2) if he was not a prisoner at the time he filed his complaint, a supplemental affidavit of indigency explaining from where he obtains funds to pay for food, clothing and shelter and how much money he receives.

A copy of this order will be sent to petitioner at all three addresses he gave to insure that he receives it. If, by August 29, 2003, petitioner fails to advise the court on the matters set forth above, the clerk of court is directed to close this file without prejudice to petitioner's filing a new complaint at some future time.

Entered this 19th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge