

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

DARRICK A. ALEXANDER,

Plaintiff,

v.

CORRECTIONAL OFFICER PERRENARD,

Defendant.

ORDER

03-C-0578-C

In an order dated November 5, 2003, the court granted plaintiff leave to proceed on his claims that defendant violated his substantive due process rights under the Fourteenth Amendment and is liable to him under state tort law for maliciously and intentionally injuring plaintiff by driving the vehicle in which plaintiff was a passenger into another vehicle. Now plaintiff has written to request that the monthly payments he owes on the \$150 fee for filing this case be reduced in keeping with a reduction that has been made to his monthly income. The request will be denied.

28 U.S.C. § 1915(b)(2) explains plaintiff's obligation to make payments on the balance of the fee he owes for filing this case. It provides that

[a]fter payment of the initial partial filing fee, the prisoner shall be required

to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account.

Because the monthly payment is a set percentage of the plaintiff's previous month's income, it is reduced automatically in proportion to any reduction the plaintiff may have to his income. Therefore, it is unnecessary to order a reduction in the amount of plaintiff's monthly payment.

Even if plaintiff were to desire a larger reduction of his payments than the 20 percent calculation will allow, this court does not have authority to alter payments mandated by statute. That would be a matter plaintiff would have to take up with the legislature.

Accordingly, IT IS ORDERED that plaintiff's request for an order reducing the amount he is to pay monthly on his filing fee in this case is DENIED as unnecessary and as outside the authority of this court to grant.

Entered this 19th day of November, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge