

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

STEPHEN W. JONES,

Petitioner,

v.

GERALD BERGE, et al,

Respondents.

ORDER

03-C-99-C

In an order entered in this case on March 4, 2003, I denied petitioner Stephen Jones' request for leave to proceed in forma pauperis on the ground that petitioner is not eligible for in forma pauperis status under 28 U.S.C. § 1915(g), the "three-strike provision" of the 1996 Prisoner Litigation Reform Act. Judgment was entered on March 6, 2003. Subsequently, petitioner filed a notice of appeal and requested pauper status on appeal. On April 11, 2003, I denied petitioner's request for the same reason that I denied his earlier request for pauper status: he is barred by § 1915(g) from proceeding in forma pauperis. Petitioner has challenged my decisions in the court of appeals and is awaiting its final determination. Nevertheless, now petitioner has filed a "Notice and Motion to Supplement the Record" on appeal with documents he filed in connection with another case in this court,

Jones'El v. Berge, 00-C-421-C. The motion will be denied. The record on appeal should include only those matters that were before the trial court. Supplementing the record to add something that was not before the trial court would be a misstatement of the record.

Accordingly, IT IS ORDERED that petitioner's motion to supplement the record on appeal is DENIED.

Entered this 4th day of June, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge