

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

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TITUS HENDERSON,

Plaintiff,

ORDER

v.

04-C-39-C

GERALD BERGE,  
MATTHEW FRANK,

Defendants.  
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As directed in this court's order of June 10, 2005, plaintiff Titus Henderson has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the June 10 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.)

From plaintiff's trust fund account statement, I conclude that he is qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$255 fee for filing

his appeal in the amount of \$1.62.

Plaintiff also has filed in this court a motion for appointment of counsel on appeal. That motion is properly addressed to the Court of Appeals for the Seventh Circuit. Therefore, I am forwarding the motion to the court of appeals.

IT IS ORDERED that plaintiff Titus Henderson's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until July 22, 2005, in which to submit a check or money order made payable to the clerk of court in the amount of \$1.62. If, by July 22, 2005, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Entered this 24th day of June, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge