

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

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SOUVANNASENG BORIBOUNE,  
ANTHONY CALIPH STEVENS'EL,  
DONDRAS L. HOUSE and EFRAIN  
CAMPOS,

Petitioners,

v.

GERALD BERGE, PETER HUIBREGSTE,  
VIKI SEBASTION, ELLEN K. RAY and  
KELLY COON, as does their individual  
capacities,

Respondents.

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ORDER

04-C-0015-C

In an order dated February 2, 2004, I dismissed this group complaint without prejudice to petitioners' filing separate actions. Because I anticipated that some but perhaps not all of the petitioners would pursue separate actions, I purposely did not assess any petitioner an initial partial payment of a filing fee. It was this court's intention to wait to calculate initial partial payments until it was clear who was filing a separate lawsuit and who was not.

Petitioners moved pursuant to Fed. R. Civ. P. 59 for reconsideration of the February

2 order on February 11, 2004. Before I could rule on this motion, petitioner Souvannaseng Boriboune submitted a check for \$10 and petitioners Anthony Stevens'El and Dondras House submitted checks for \$5. These petitioners asked that their payments be designated as an initial partial payment of the fee for filing this case.

As petitioners now know, I denied their Rule 59 motion in an order dated March 8, 2004. Because this case was closed at the outset for administrative reasons, I did not require petitioners to pay a filing fee. Therefore, the question remains what to do with the money petitioners sent the court.

I conclude that the payments submitted by petitioners Boriboune and Stevens'El should be applied to fees these petitioners owe for complaints they filed earlier in this court. Petitioner Boriboune owes a total of \$131.23 for filing his complaint and appeal in Boriboune v. Litscher, 03-C-50-C, and petitioner Stevens'El owes a total of \$170.87 for filing his complaint and appeal in Stevens'El v. Berge, 03-C-181-S.

Petitioner House does not owe any fees in this court. Therefore, I will direct the clerk of court to return House's \$5 check to him.

#### ORDER

IT IS ORDERED that the clerk of court apply petitioner Boriboune's \$10 payment to the sum he owes in case no. 03-C-50-C and petitioner Stevens'El's \$5 payment to the sum

he owes in case no. 03-C-181-S.

Further, IT IS ORDERED that the clerk of court return to petitioner Dondras L. House the \$5 check he submitted in this case. Petitioner House's address is P.O. Box 9900, Boscobel, Wisconsin, 53805.

Entered this 15th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge