

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

JAMES KURALLE,

Petitioner,

ORDER

v.

04-C-184-C

KRISTEN ANDERSON, Jail Sgt.;
SHERIFF HILLSTEAD, St. Croix County;
KAREN HUMPRIES, Jail Captain; and
SCOTT JOSEPH BLOM,

Respondents.

Petitioner James Kuralle, a prisoner at the Dodge Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. He asks for leave to proceed in forma pauperis. Because petitioner is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint in forma pauperis, petitioner will have to pay an initial partial payment of the filing fee in the amount of \$4.49 and the remainder of the fee in monthly installments even if his request for leave to proceed is denied. If petitioner does not have the money to pay the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not

mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$4.49 initial partial payment. Before prison officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes.

Also, I note that petitioner has failed to specify in his complaint what kind of relief he seeks from this court for respondents' alleged violations of his rights. The nature of the relief petitioner seeks is important to a determination of the type of claim a litigant is presenting. Fed. R. Civ. P. 8(a)(3) requires that a complaint contain "a demand for judgment for the relief the pleader seeks." At the end of his complaint, petitioner states only, "With the court's blessing I ask that I be given an opportunity to address all issues that led to the above sworn allegation." This is not sufficient to meet the requirements of Rule 8. Petitioner must specify what relief he wishes to obtain from this lawsuit, such as a particular amount of money damages. Because petitioner's complaint does not conform to the requirements of Rule 8, his request for leave to proceed in forma pauperis will be denied unless, on or before April 19, 2004, he supplements his complaint with the requisite request for relief.

ORDER

IT IS ORDERED that petitioner is assessed \$4.49 as an initial partial payment of the \$150 fee for filing this case. He is to submit a check or money order made payable to the

clerk of court in the amount of \$4.49 on or before April 19, 2004. If, by April 19, 2004, petitioner fails to pay the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.

Further, IT IS ORDERED that petitioner supplement his complaint with a written request for the relief he seeks from this court. If, by April 19, 2004, petitioner fails to supplement his complaint with the requisite request for relief, the complaint will be dismissed without prejudice for petitioner's failure to conform his complaint to the form of pleadings required by Fed. R. Civ. P. 8 and this case will be closed.

Entered this 29th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge