

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

JOHN ERIC SANDLES,

Petitioner,

v.

JOHN C. SHABAZ,

Respondent.

ORDER

04-C-276-C

In an order entered on May 6, 2004, I denied petitioner's request for leave to proceed in forma pauperis in this action because he has struck out under 28 U.S.C. § 1915(g). I told petitioner that he would have until May 20, 2004, in which to submit a check or money order made payable to the clerk of court in the amount of \$150. I further advised him that if he failed to pay the filing fee by May 20, 2004, the clerk of court would close this file and notify the warden of the Oxford Federal Correctional Institution of petitioner's obligation to pay the fee in accordance with 28 U.S.C. § 1915(b)(2). Now petitioner has submitted a letter requesting an extension of the May 20 deadline so that he can gather case law to support an argument that the Prison Litigation Reform Act does not apply to him. That request will be denied.

Petitioner is a prisoner. He was a prisoner when he filed this action and when he filed three previous lawsuits in federal court that were dismissed as legally meritless. His lawsuit is not a habeas corpus action, to which the Prison Litigation Reform Act does not apply. It is a civil action in which he is suing Judge John C. Shabaz for allegedly depriving him of his constitutional right to procedural due process by making certain rulings adverse to him in a habeas corpus action. 28 U.S.C. § 1915(g) applies to petitioner, and his efforts to find case law supporting an argument that it does not will not be fruitful. Of course, petitioner is free to rummage through case law in the prison library in quest of case law supporting his position if he wishes, but this lawsuit will not remain open while he does so.

ORDER

IT IS ORDERED that petitioner's request for an enlargement of time in which to comply with this court's May 6, 2004 order is DENIED. The clerk of court is directed to close this file and advise the warden of the Federal Correctional Institution in Oxford,

Wisconsin of petitioner's obligation to pay the \$150 fee for filing this action in accordance with 28 U.S.C. § 1915(b)(2).

Entered this 27th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge