

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

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ROBIN DUNYELL BASS,

Petitioner,

v.

PRISON HEALTH SERVICE, INC.,  
LON BECHER, Administrator,  
NURSE BARB and NURSE AMANDA,

Respondents.  
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ORDER

04-C-33-C

This is a proposed civil action for injunctive and monetary relief, brought under 42 U.S.C. § 1983. Petitioner, who is presently confined at the Dane County jail in Madison, Wisconsin, has completed a “Petition and Affidavit for Leave to Proceed In Forma Pauperis.” In the affidavit, petitioner states, “I have the \$150 filing fee and I am not trying to make payments.” This is a good thing, because a review of the trust fund account statement petitioner has filed in support of his petition to proceed in forma pauperis shows that he does not qualify for indigent status. He has had deposits to his account totaling \$4,942. Calculating his average monthly income and figuring twenty percent of that amount as required by the in forma pauperis statute, 28 U.S.C. § 1915, the sum is \$164.73, which exceeds the \$150 fee for filing a complaint. Therefore, petitioner does not qualify financially

to pay the filing fee in installments. Under the 1996 Prison Litigation Reform Act, he is required to pay the fee in full. If he fails to do so by the date set below, the Sheriff of the Dane County jail will be notified of petitioner's debt in this court and of his obligation under the Prison Litigation Reform Act to collect the fee from petitioner's prison account and send it to the court. See 28 U.S.C. § 1915(b)(2).

Petitioner should be aware that once he pays the filing fee, the court is required to screen the merits of his complaint pursuant to 28 U.S.C. § 1915A as soon as the court's calendar permits. At the time, the court will identify any claims on which petitioner will be allowed to proceed and dismiss the complaint or any portion of it that is legally frivolous, malicious, fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). Therefore, petitioner should refrain from serving his complaint on the respondents until after the court has screened his complaint. As soon as the screening process is complete, petitioner will be advised promptly of the court's decision.

#### ORDER

IT IS ORDERED that petitioner's petition for leave to proceed in forma pauperis is DENIED. Petitioner may have until February 12, 2004, in which to submit the \$150 fee for filing his complaint. If, by February 12, 2004, petitioner fails to pay the fee or show cause for his failure to do so, I will direct petitioner's custodian to collect the fee from his

account and an order will be entered dismissing this case for petitioner's failure to prosecute.

Entered this 22nd day of January, 2004.

BY THE COURT:

STEPHEN L. CROCKER  
Magistrate Judge