

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

KURTIS L. KING,

Plaintiff,

v.

MATTHEW FRANK in his official capacity;
GARY R. McCAUGHTRY, in his official
and individual capacities;
CURTIS JANSSEN, in his official
and individual capacities;
STEVEN SCHUELER, in his official
and individual capacities;
KEVIN FRITZ; TODD RUSSELL; MATT ROBINSON;
CLINT SCHLIEVE; and JENNIFER OPPERMAN,

Defendants.

ORDER

04-C-338-C

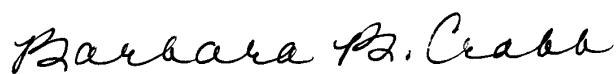
On June 3, 2005, I reserved a ruling on plaintiff's request for leave to proceed in forma pauperis on appeal. I noted that plaintiff does not have three strikes against him and that I did not intend to certify that his appeal is not taken in good faith. However, I could not determine whether plaintiff was eligible for indigent status on appeal because he had failed to submit a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal as required by 28 U.S.C. §

1915(a)(2). Therefore, I gave plaintiff until June 24, 2005, in which to submit a certified copy of his trust fund account statement for the period beginning approximately January 3, 2005 and ending approximately June 3, 2005. I cautioned plaintiff that if, by June 24, 2005, he failed to submit the required statement or show cause for his failure to do so, I would deny his request for leave to proceed in forma pauperis on appeal on the ground that he had failed to show that he is entitled to indigent status on appeal. Plaintiff has not submitted the required trust fund account statement.

Accordingly, IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on appeal is DENIED for plaintiff's failure to show that he qualifies for indigent status on appeal. Nevertheless, plaintiff owes the \$255 fee for filing his appeal. In a separate letter to the warden of the Wisconsin Resource Center where plaintiff is presently confined, I am advising the warden of plaintiff's financial obligation in this case and requesting the warden to take funds from plaintiff's account in monthly installments pursuant to 28 U.S.C. § 1915(b)(2) until the \$255 fee is paid in full.

Entered this 7th day of July, 2005.

BY THE COURT:



BARBARA B. CRABB
District Judge

