

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

CHARLES RYAN,

Petitioner,

v.

JOSEPH SCIBANA,

Respondent.

ORDER

04-C-364-C

Petitioner Charles Ryan, a prisoner at the Oxford Correctional Institution in Oxford, Wisconsin, has submitted a proposed mandamus action pursuant to 28 U.S.C. § 1361. 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 \$2.26 and the remainder of the \$150 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 may have to arrange with prison authorities to pay some or all of the assessment from his release account, if he has one.

ORDER

IT IS ORDERED that petitioner is assessed \$2.26 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 \$2.26 on or before July 6, 2004. If, by July 6, 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petitioner fails to pay the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 15th day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge