

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's motion for permission to pay \$1.34 only of the \$2.26 initial partial payment he has been ordered to pay in this case is DENIED. That petitioner has only \$1.34 in his prison account at this moment is not determinative of the question whether he has the means to pay the initial partial payment he has been ordered to pay. The relevant question is whether he has the means to pay the amount ordered. Petitioner's trust fund account statement shows that he is receiving regular period payroll deposits to his account. Therefore, he has the means to pay the payment he has been ordered to make, even if he cannot do so as quickly as he would prefer.

Although I am denying petitioner's motion for permission to pay less than \$2.26 as his initial partial payment of the filing fee in this case, I will grant him an extension of time in which to pay the initial partial payment he has been ordered to pay.

ORDER

IT IS ORDERED that petitioner's motion for permission to pay less than \$2.26 as his initial partial payment of the filing fee in this case is DENIED. Petitioner may have an enlargement of time to July 23, 2004, in which to pay the full amount of the initial partial payment he has been assessed. If, by July 23, 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petitioner fails to pay the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 22nd day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge