

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

GREGORY PATMYTHES,

Plaintiff,

v.

THE CITY OF JANESVILLE,

Defendant.

ORDER

04-C-367-C

In an order entered in this case on July 18, 2005, I stayed a decision whether plaintiff could proceed in forma pauperis on appeal because he had not submitted an affidavit of indigency in support of his request. Now plaintiff has filed an affidavit of indigency.

In determining whether plaintiff may proceed in forma pauperis, the court calculates the plaintiff's annual gross income and subtracts \$2820 for each dependent excluding the plaintiff. If the balance is less than \$11,500, the plaintiff may proceed without any prepayment of fees and costs; if the balance is greater than \$11,500 but less than \$15,000, the plaintiff must prepay half the fees and costs; and if the balance is greater than \$15,000, the plaintiff must prepay all fees and costs. Plaintiff's affidavit of indigency shows that he has no dependents and his annual income exceeds \$36,000. His only substantial debt is for

student loans, but even considering the payments he is making on those loans, his monthly debts do not devour his monthly income. Therefore, he does not qualify financially for pauper status on appeal and his request for leave to proceed in forma pauperis must be denied.

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on his appeal is DENIED because plaintiff does not qualify for indigent status.

Further, IT IS ORDERED that plaintiff may have until August 26, 2005, in which to pay the \$255 fee for filing his appeal. If, by August 26, 2005, plaintiff fails to pay the fee, I will notify the Court of Appeals for the Seventh Circuit of his failure to pay the fee so that it may take whatever action is appropriate with respect to his appeal.

Entered this 3rd day of August, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge