

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

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DONALD LEE PIPPIN, JR.  
and SHANNON CHARLES STEINDORF,

Petitioners,

v.

ORDER

04-C-582-C

MATTHEW FRANK, Sec. of WI DOC;  
STEVE CASPERSON, DAI Admin.;  
JUDY P. SMITH - Warden of Oshkosh  
Correctional Institution;  
JIM SCHWOCHERT, Security Director  
at OSCI; and JAMES A. ZANON,  
Program Supervisor at OSCI; TIM PIERCE,  
ICE at OSCI; JENNIFER DELVAUX,  
ICE at OSCI; LAWERNCE STAHOWIAK,  
Registrar at OSCI; RUTH TRITT, Mail  
Room Supervisor at OSCI; ALI FONTANA,  
Center Director at OSCI; BROOKS FELDMANN,  
Center Director at OSCI; ELIZABETH YOST,  
Librarian/Notary at OSCI; TOM EDWARDS,  
HSU Director at OSCI; DR. ROMAN KAPLAN,  
Medical Doctor at OSCI; DR. ALEXANDER STOLARSKI,  
Chief Psychologist at OSCI; JULIE (?), Main Kitchen  
Supervisor at OSCI; CAPT. MATT JONES, Security/  
Segregation at OSCI; CAPT. DERRINGER, 1st Shift  
Security at OSCI; CAPT. SCHROEDER, 2nd Shift  
Security at OSCI; LT. BUECHEL (?-sp), 1st Shift  
Security at OSCI (accomp. Dr. A.S. on 4/20/04);  
LT. KEN KELLER, Security/Segregation at OSCI;  
LT. LINGER, 1st Shift Security at OSCI; LT. ROBERT

BLECHL, 2nd Shift Security at OSCI (now Capt. and 1st Shift); LT. SCHNEIDER, 2nd Shift Security at OSCI; LT. BLOTCHER (?sp), 2nd Shift Security at OSCI (Female Lt. involved on 11/15/03); SGT. KOONEN, 1st Shift Sgt. P-Bldg. at OSCI; SGT. MONROE, 1st Shift Sgt. Seg. at OSCI; SGT. RASMUSON, 2nd Shift Sgt. P-Bldg. at OSCI; SGT. GILBERTSON, 3rd Shift Sgt. P-Bldg. at OSCI; CO PLATZ, 3rd Shift P-Bldg. at OSCI; CO S. DOMAN, 2nd Shift Utility at OSCI; CO RADKE, 3rd Shift Seg. at OSCI; CO SMITH, 3rd Shift Seg. at OSCI; CO WERNER, 1st Shift Seg./Hearing Transport Officer at OSCI; CO JENSEN, 1st Shift P-Bldg. (now U-Bldg) at OSCI; and CO CAROL COOK, Seg. Property Officer/Mail at OSCI;

Respondents.

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Judgment was entered on August 23, 2004, dismissing this civil action without prejudice.<sup>1</sup> Subsequently, petitioner Donald Lee Pippin, Jr. filed a letter dated August 24, 2004, which I construed as a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59. I denied that motion on September 1, 2004. Now petitioners have filed a notice of appeal, which is not accompanied by the \$255 fee for filing an appeal. Therefore, I construe the notice to include a request for leave to proceed in forma pauperis on appeal.

In determining whether petitioners may proceed in forma pauperis on appeal, I must

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<sup>1</sup>The order of dismissal is misdated January 23, 2004. It should have been dated August 23, 2004.

consider whether each petitioner is eligible for pauper status, whether either petitioner is barred by the three-strikes provision in § 1915 from proceeding under that statute and whether petitioners' appeal must be certified as not taken in good faith. Neither petitioner has three strikes and I do not intend to certify that the appeal is not taken in good faith.

Under the 1996 Prison Litigation Reform Act, petitioners must pay an initial partial payment of the \$255 fee for filing an appeal. 28 U.S.C. § 1915(b)(1). Therefore, I will assess an initial partial payment of the fee for each petitioner. As for the remainder of the fee, until the court of appeals directs this court to treat group prisoner appeals as separately filed appeals for which separate \$255 filing fees should be collected, I will notify the wardens of petitioners' institutions to collect just one fee in monthly installments pursuant to 28 U.S.C. § 1915(b)(2) for which each petitioner is jointly and severally liable. Petitioners should bear in mind, however, that if the court of appeals decides that it will treat their notice as constituting separate notices of appeal, then it will be necessary to notify petitioners' institutions to collect a full \$255 filing fee from each petitioner.

#### ORDER

IT IS ORDERED that petitioners' motion for leave to proceed in forma pauperis on appeal is GRANTED on the condition that no later than September 30, 2004, petitioner Shannon Charles Steindorf submit a check or money order made payable to the clerk of

court in the amount of \$4.96 and petitioner Donald Lee Pippin submit a check or money order made payable to the clerk of court in the amount of \$10.96. Petitioners are liable jointly and severally for the remainder of the \$255 fee for filing their appeal unless the court of appeals directs otherwise. If, by September 30, 2004, petitioners fail to pay the initial partial payments assessed above, then I will notify the court of appeals of their noncompliance so that it may take whatever action it deems appropriate with respect to the appeal.

Entered this 8th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge