

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

GARY B. CAMPBELL,

Plaintiff,

v.

WOOD COUNTY SHERIFF DEPUTY
TODD JOHNSON,

Defendant.

ORDER

04-C-661-C

As directed in this court's order of January 23, 2006, plaintiff Gary Campbell has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the January 23 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.)

Plaintiff's trust fund account statement shows that until October 29, 2005, plaintiff was receiving periodic "window deposits" at the Milwaukee County jail, where he is

confined. However, these deposits stopped abruptly after October 29. Because the balance in plaintiff's account has been zero since mid-November and because he is no longer receiving any income, I conclude that he is qualifies for indigent status and that he presently has no means with which to pay an initial partial payment of the \$255 fee for filing his appeal. Nevertheless, plaintiff should be aware that he is obligated to pay the \$255 filing fee, even if he does not presently have funds with which to do so. His account will be monitored and the fee must be taken in monthly installments when the funds exist.

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on appeal is GRANTED. However, the clerk of court is directed to insure that the court's financial records reflect that petitioner owes the \$255 fee for filing his appeal.

Entered this 3rd day of February, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge