

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

JOSEPH D. KOUTNIK,

Plaintiff,

v.

LEBBEUS BROWN, PETER HUIBREGTSE,
ELLEN RAY, RICHARD RAEMISCH,
GERALD BERGE and MATTHEW FRANK,

Defendants.

ORDER

04-C-911-C

As directed in this court's order of December 2, 2005, plaintiff Joseph Koutnik 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 December 2 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.)

From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$255 fee for filing

his appeal in the amount of \$15.15.

IT IS ORDERED that plaintiff Joseph Koutnik's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until January 10, 2006, in which to submit a check or money order made payable to the clerk of court in the amount of \$15.15. If, by January 10, 2006, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Entered this 27th day of December, 2005.

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