

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

ANDRE CALMESE,

Petitioner,

v.

PROB. OFF. CRAIG LEFFLER;
SUP'S DIANNE BINK and DIONNE BOEDEKER;
WARDEN JOHN HUSZ; and
REGIONAL CHIEF JAN CUMMINGS,

Respondent.

ORDER

04-C-946-C

Petitioner has requested leave to proceed in forma pauperis in this civil action for money damages brought under 42 U.S.C. § 1983. In his complaint, petitioner alleges that respondents violated his constitutional rights when they held him in jail without affording him a preliminary parole revocation hearing or even intending to revoke his parole.

From the affidavit of indigency accompanying petitioner's proposed complaint, I cannot determine whether petitioner qualifies for indigent status. He has stated that he is currently receiving "federal disability" payments, but he does not indicate how much his disability payments are or how often he receives them. Furthermore, petitioner states that

he has an account at the Heartland Credit Union, but he does not indicate how much money is in this account. Because the information petitioner has supplied the court is not sufficient to allow a determination whether he qualifies for indigent status, I am enclosing another form for an affidavit of indigency which seeks more detailed information than the form petitioner completed at the time he filed his complaint.

ORDER

IT IS ORDERED that a decision whether petitioner Andre Calmese may proceed in forma pauperis in this action is STAYED. Petitioner may have until January 21, 2005, in which to complete the enclosed affidavit of indigency form and return it to the court. If, by January 21, 2005, petitioner fails to provide the requested financial information, I will deny his request for leave to proceed in forma pauperis for his failure to show that he is indigent.

Entered this 4th day of January, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge