

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

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HARRY GANT,

Petitioner,

ORDER

v.

04-C-953-C

JEFFREY ENDICOTT, Warden,  
Redgranite Correctional Institution,

Respondent.

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Harry Gant requests this court to issue a certificate of appealability so he may appeal this court's June 14, 2006 order denying his motion under Fed. R. Civ. P. 60(b) to reopen his habeas corpus petition. As an initial matter, petitioner's submissions indicate that he is now incarcerated at the Redgranite Correctional Institution, where Jeffrey Endicott is the warden. Accordingly, the clerk of court is directed to amend the caption to reflect that Jeffrey Endicott, not Phil Kingston, is the proper respondent in this action.

Petitioner requests leave to proceed in forma pauperis. Although petitioner has supported his request with an affidavit of indigency, I cannot determine whether petitioner is indigent for the purposes of appeal until he submits a trust fund account statement for the six-month period immediately preceding the filing of his appeal. See Longbehn v. U.S., 169 F.3d 1082 (7th Cir. 1999).

Accordingly, this court will take no action on petitioner's request for a certificate of appealability until petitioner files either a six-month trust fund account statement or the \$455 appellate filing and docketing fee. If petitioner fails to exercise one of these options by July 7, 2006, then this court will deem his appeal abandoned.

Entered this 22<sup>nd</sup> day of June, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge