

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

ORDER

05-C-003-C

PETER HUIBREGTSE; GARY BOUGHTON;
STEVEN HOUSER; CAPTAINS STEVE
SCHUELER, THOMAS CORE, KURT LINJER,
GILBERG and GARY BLACKBOURN; C.O.
LANGE and SGT. CARPENTER,

Defendants.

As directed in this court's order of December 21, 2005, plaintiff Nathaniel Lindell 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 21 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 \$.84.

IT IS ORDERED that plaintiff Nathaniel Lindell's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until January 27, 2006, in which to submit a check or money order made payable to the clerk of court in the amount of \$.84. If, by January 27, 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 6th day of January, 2006.

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