

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

CINDY O'DONNELL, SANDRA
HAUTAMAKI, JOHN RAY,
PETER HUIBREGTSE, GERALD BERGE,
SGT. S. GRONDIN, C.O. D. ESSER,
KELLY TRUMM, C.O. JOHNSON,

Defendants.

ORDER

05-C-04-C

As directed in this court's order of April 13, 2006, 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 April 13 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 is qualifies for

indigent status. Further, I assess plaintiff an initial partial payment of the \$255 fee for filing his appeal in the amount of \$1.50. (As noted in the April 13 order, plaintiff filed his notice of appeal before the fee for filing an appeal was raised to \$455.)

When he filed his notice of appeal, plaintiff moved for preparation of the trial transcript at the government's expense pursuant to 28 U.S.C. § 753(f). I conclude that without access to a trial transcript, it will be difficult for the court of appeals to assess plaintiff's arguments on appeal. Therefore, plaintiff's motion for preparation of the trial transcript at government expense pursuant to 28 U.S.C. §753(f) will be granted.

ORDER

IT IS ORDERED that plaintiff Nathaniel Lindell's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until May 8, 2006, in which to submit a check or money order made payable to the clerk of court in the amount of \$1.50. If, by May 8, 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.

Further, IT IS ORDERED that plaintiff's motion for preparation of the trial

transcript at government expense pursuant to 28 U.S.C. § 753(f) is GRANTED.

Entered this 17th day of April, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge