

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

JUAN VILLANUEVA-MONROY,

Petitioner,

v.

STEPHEN HOBART, Warden,

Respondent.

ORDER

05-C-214-C

In response to this court's order of April 18, 2005, petitioner Juan Villanueva-Monroy has advised the court that he wishes his pleading treated as a civil action pursuant to Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). Also, petitioner has submitted a trust fund account statement for the six-month period immediately preceding the filing of his lawsuit, so that I can assess an initial partial payment of the fee for filing this action. Calculating the initial partial payment using the method set out in 28 U.S.C. § 1915(b)(1), I conclude that the amount of petitioner's initial partial payment is \$83.23. Petitioner already has paid \$5 of this amount.

Therefore, IT IS ORDERED that on or before May 25, 2005, petitioner is to submit a check or money order made payable to the clerk of court in the amount of \$78.23. If, by

May 25, 2005, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 4th day of May, 2005.

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