

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

STEVEN D. STEWART,

Plaintiff,

ORDER

v.

05-C-293-C

C.O. BARR,

Defendant.

Plaintiff Steven D. Stewart has filed a notice of appeal in this case. In an earlier order, I found that he is not barred by the three-strike provision of 28 U.S.C. § 1915(g) from proceeding on appeal in forma pauperis and I have stated that I do not intend to certify that his appeal is not taken in good faith. However, because plaintiff Stewart is a prisoner, he is required to pay an initial partial payment of the \$455 fee for filing his appeal. In an order entered on October 5, 2006, I assessed plaintiff Stewart an initial partial payment in the amount of \$285.20 and gave him until October 25, 2006 to pay it. Plaintiff has neither made the initial partial payment nor explained his failure to do so. Accordingly, I am notifying the Court of Appeals for the Seventh Circuit of plaintiff's failure to make the initial partial payment so that it may take whatever action is appropriate with respect to plaintiff's

appeal. Whether or not the court of appeals allows plaintiff's appeal to go forward, plaintiff owes the \$455 fee for filing his appeal. Therefore, in a separate letter to the Warden of the Waupun Correctional Institution in Waupun, Wisconsin, where plaintiff is presently confined, I am advising the warden of plaintiff's financial obligation in this case and requesting that the funds be taken from plaintiff's account in monthly installments pursuant to 28 U.S.C. § 1915(b)(2) until the \$455 fee is paid in full. In addition, I am directing the clerk of court to insure that the court's financial records reflect plaintiff's financial obligation to pay the fee.

Entered this 7th day of November, 2006.

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