

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

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ROBERT R. OLESON,

Petitioner,

ORDER

v.

05-C-33-C

BUREAU OF PRISONS  
F.C.I. OXFORD ELECT.  
DEPT. MANAGER,

Respondent.  
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In December 2004, petitioner Robert R. Oleson, a prisoner at the United States Penitentiary in Leavenworth, Kansas, filed this proposed action under the Federal Tort Claims Act in the United States District Court for the District of Kansas. On January 14, 2005, the District Court for the District of Kansas transferred the case to this district, because petitioner's claim arose while he was a prisoner at the Federal Correctional Institution in Oxford, Wisconsin.

In an order entered on January 31, 2005, I assessed petitioner an initial partial payment of the \$150 fee for filing his petition in the amount of \$3.66, and directed him to pay this amount no later than February 21, 2005. (The filing fee was raised to \$250 for cases filed on or after February 7, 2005. However, because petitioner filed his complaint

before that date, he is obligated to pay the previous rate of \$150.) I told petitioner that if, by February 21, he failed to pay the assessed amount, he would be held to have withdrawn this action voluntarily and the case would be closed. Petitioner did not pay the initial partial payment within the time allowed and this case was closed on March 9, 2005. Recently, petitioner wrote to ask about the status of his case. In response, this court forwarded him a copy of the docket sheet, showing that the case had been closed.

Now petitioner has written to request that the case be reopened. According to petitioner, he never received a copy of this court's January 31 order. Although this is odd, given that the order includes verification that a copy of the document was mailed to petitioner on January 31, 2005, I will accept petitioner's representation that he never got the January 31 order. This case will be reopened and petitioner will be granted an enlargement of time in which to pay the \$3.66 initial partial payment.

#### ORDER

IT IS ORDERED that petitioner's motion to reopen this action is GRANTED.

Further, IT IS ORDERED that petitioner may have until May 31, 2005, in which to submit a check or money order made payable to the clerk of court in the amount of \$3.66 as an initial partial payment of the \$150 fee for filing this case. If, by May 31, 2005, petitioner fails to pay 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 with prejudice.

Entered this 3rd day of May, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge