

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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Petitioner Robert R. Oleson is a prisoner at the United States Penitentiary in Leavenworth, Kansas. He filed this proposed complaint in the United States District Court for the District of Kansas in December 2004, alleging a claim under the Federal Tort Claims Act. On January 14, 2005, Senior District Judge G.T. Vanbebber conditionally granted petitioner leave to proceed in forma pauperis and simultaneously ordered the case transferred to this district. Judge Vanbebber reasoned that this district is a district in which the action could have been brought because the claim arose while petitioner was a prisoner at the Federal Correctional Institution in Oxford, Wisconsin (which is situated in this district) and because all relevant documents and witnesses except plaintiff are most likely located here.

Because petitioner is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint in forma pauperis, petitioner will have to pay an initial partial payment of the filing fee in the amount of \$3.66 and the remainder of the fee in monthly installments even if his request for leave to proceed is denied. If petitioner does not have the money to pay the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$3.66 initial partial payment. Before prison officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes.

#### ORDER

IT IS ORDERED that petitioner is assessed \$3.66 as an initial partial payment of the \$150 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$3.66 on or before February 21, 2005. If, by February 21, 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 without prejudice to petitioner's filing his case at a later date.

Entered this 31st day of January, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge