

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

EUGENE L. CHERRY,

Petitioner,

v.

GERALD BERGE, PETER HUIBREGTSE,
JOHN SHARPE and BRIAN KOOL,

Respondents.

ORDER

05-C-38-C

In an order dated January 24, 2005, Magistrate Judge Stephen Crocker gave petitioner Eugene Cherry until February 7, 2005, in which to submit a trust fund account statement for the period beginning approximately July 19, 2004 and ending approximately January 19, 2005. On January 31, 2005, petitioner submitted a letter dated January 25, 2005, in which he states that he is enclosing the requested trust fund account statement. However, the statement is not enclosed. Instead, the letter is accompanied by a copy of the magistrate judge's January 24 order, a disbursement request form approved by a Sgt. Roberts and dated January 26, 2005, and an "interview/information request" form, in which petitioner advises the business office that he wants a copy of his trust fund account

statement and that he is providing the office with a copy of this court's order, an envelope addressed to the court and disbursements needed for the statement to be mailed. In addition, petitioner asks the business office to return to him his copy of the magistrate judge's order. On the bottom of the form is a note from the business office dated January 26, 2005, advising petitioner that "[t]he request must be sent to the Unit Sgt. for approval before it is sent to the business office."

It appears that there has been a mixup at the prison and that the business office has mailed to this court documents intended for petitioner. Perhaps petitioner has been sent a copy of the required trust fund account statement. In any event, I am returning petitioner's submissions to him so that he can attempt to straighten this matter out. Because the deadline for petitioner to file his trust fund account statement has nearly expired, I will extend the time within which petitioner is required to submit it.

ORDER

IT IS ORDERED that petitioner may have until February 21, 2005, in which to submit a trust fund account statement for the period beginning approximately July 19, 2004 and ending approximately January 19, 2005. If, by February 21, 2005, petitioner fails to respond to this order, the court will view his silence as an indication that he wishes to withdraw 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 February, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge