

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

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LARRY GEORGE,

Plaintiff,

v.

ORDER

05-C-403-C

JUDY SMITH, MATTHEW FRANK, RUTH TRITT, JOHN RAY, MARTY SCHROEDER, CINDY O'DONNELL, OFFICER VILSKI, TIM PIERCE, RICK RAEMISCH, JENNIFER DELVAUX, SANDRA HAUTAMAKI, LT. BLODGETT, TOM EDWARDS, PATRICIA VOERMANS, MICHELLE ALBRECHT, MICHAEL BOUSHON, NURSE CARIVOU, SHARON ZUNKER, JUDY JAEGER, STEVEN CASPERSON, JIM SCHWOCHERT, SANDY HABECK, LENARD WELLS, STEVEN LANDREMAN,

Defendants.  
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Judgment was entered in this case on January 11, 2007, dismissing the case against all of the defendants. Now plaintiff has filed a notice of appeal and a request for leave to proceed on appeal in forma pauperis. Accompanying plaintiff's request is a trust fund account statement for the period of one day, February 9, 2007.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether

plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him, and I do not intend to certify that his appeal is not taken in good faith.

The only other hurdle to plaintiff's proceeding with his appeal in forma pauperis is the requirement that he pay an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Because plaintiff's trust fund account statement covers only one day rather than the required six-month period, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that plaintiff may have until March 7, 2007, in which to submit a certified copy of his trust fund account statement for the six-month period beginning approximately August 9, 2006 to approximately February 9, 2007. If, by March 7, 2007, plaintiff fails to submit the required trust account statement or show cause

for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 15th day of February, 2007.

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