

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

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.

Because plaintiff Larry George has struck out under 28 U.S.C. § 1915(g), I denied him leave to proceed in forma pauperis with respect to his appeal from the judgment of January 11, 2007, dismissing this action. Subsequently, the Court of Appeals for the Seventh Circuit granted plaintiff's motion for an enlargement of time to pay the \$455 fee for filing his appeal or file a memorandum in support of a motion for leave to proceed in forma pauperis. When plaintiff did neither of these things within the time allowed, the

court of appeals dismissed his appeal on May 3, 2007. Now plaintiff has filed with this court a motion for an extension of time to June 10, 2007, in which to pay the appellate filing fee in full. Simultaneously, plaintiff has filed in the court of appeals a document titled "Motion to Withdraw the Mandate and Order Issued on May 3, 2007."

There is no need for this court to act on plaintiff's motion for an enlargement of time to pay the fee for filing his appeal. It has already ruled that plaintiff owes the fee in full. It has not set a specific time line within which the fee must be paid, because none exists. Plaintiff owes the fee and must pay it as soon as he has the means to do so. If plaintiff is asking this court to allow him more time to comply with an order issued by the court of appeals, his motion is misplaced. Only the court of appeals can alter its orders.

ORDER

IT IS ORDERED that plaintiff's motion for an extension of time within which to pay the fee for filing his appeal is DENIED as unnecessary.

Entered this 10th day of May, 2007.

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