

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

DANIEL J. HARPER,

Petitioner,

v.

GREGORY GRAMS,
GARY BRIDGEWATER,
ANN SEMROW,
JOHN DOE REGISTERED NURSES (1-25); and
JOHN DOE CORRECTIONAL OFFICERS (1-25),

Respondents.

ORDER

05-C-428-C

Petitioner Daniel J. Harper, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement for the six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on July 19, 2005. His trust fund account

statement should cover the period beginning approximately January 19, 2005 and ending July 19, 2005. Petitioner asks that this court waive the requirement that he submit a trust fund account statement and pay an initial partial payment because he deems respondents' action to pose an imminent danger to his health. However, 28 U.S.C. § 1915 and the Prison Litigation Reform Act do not contain "imminent danger" exceptions to the statutory requirements that prisoner litigants submit a trust fund account statement if they are seeking pauper status and that they pay an initial partial payment of the filing fee before the judge can review the merits of their case.

Accordingly, IT IS ORDERED that a decision whether petitioner may proceed in forma pauperis in this action is STAYED until August 26, 2005, to allow petitioner to submit a trust fund account for the period beginning approximately January 19, 2005 and ending July 19, 2005. If, by August 26, 2005, petitioner fails to submit the required trust fund account statement, I will assume that he wishes to withdraw this action voluntarily and

the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 5th day of August, 2005.

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