

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

LUIS VASQUEZ,

Plaintiff,

ORDER

v.

3:05-cv-528-bbc

MATHEW FRANK, GARY McCAUGHTRY,
MARC CLEMENTS, CURTIS JANSSEN,
STEVEN SCHUELER, BELINDA SCHRUBBE,
GARY ANKARLO, RICK RAEMISCH, JAMES
MUENCHOW, JOHN McDONALD, GEORGE
KAEMMERER and DR. LARSON,

Defendants.

Judgment was entered in this action on November 8, 2007, following the grant of defendants' motion for summary judgment. Now plaintiff has filed a notice of appeal postmarked December 6, 2007. Because plaintiff is a prisoner, he is subject to the 1996 Prison Litigation Reform Act. This means that I must determine whether his appeal is barred because he has three strikes against him under 28 U.S.C. § 1915(g) or whether it must be certified as not having been 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 1996 Prison Litigation Reform Act requires plaintiff to pay the \$455 fee for filing his notice of appeal, beginning with an initial partial payment 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). Plaintiff has submitted the necessary trust fund account statement. From the statement, I conclude that he qualifies for indigent status and that he must pay an initial partial payment to the clerk of this court in the amount of \$2.67.

ORDER

IT IS ORDERED that plaintiff Luis Vasquez may have until January 4, 2008, in which to submit a check or money order made payable to the Clerk of Court in the amount of \$2.67 as an initial partial payment of the fee for filing his appeal. The remainder of the \$455 fee must be paid in monthly installments according to 28 U.S.C. § 1915(b)(2).

If, by January 4, 2008, plaintiff fails to pay the initial partial payment, I will notify the court of appeals so that it may take whatever action it deems appropriate with respect

to this appeal.

Entered this 17th day of December, 2007.

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