

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

JAMES JENKINS,

Plaintiff,

v.

FREDDRICK WILSON and
MR. BANKSON, Dane County Deputy Sheriffs,

Defendants.

MEMORANDUM

05-C-609-C

This case was decided on October 31, 2006, when a jury returned a verdict in defendants' favor. A judgment of dismissal was entered on November 1, 2006. Now plaintiff has written to request forms for filing an appeal. In addition, he asks whether he can speak to someone at the court or the Federal Bureau of Investigation "about an incident that took place on April 6, 2005," because he believes his life is in danger.

This court does not have forms for filing a notice of appeal. If plaintiff wants to file an appeal in this case, he should refer to the appendix of forms available in a book titled, "Federal Civil Judicial Procedure and Rules," a copy of which should be available to him in the Wisconsin Resource Center library. Plaintiff should be aware that because he is a

prisoner, his filing of a notice of appeal will trigger an obligation to pay the \$455 fee for filing an appeal, even if the Court of Appeals were to dismiss his appeal immediately as untimely. (Plaintiff's time for filing an appeal in this case expired on December 1, 2006. Any notice of appeal he might file at this late date would be well outside that deadline. However, only the court of appeals may determine whether it has jurisdiction to entertain an appeal. Hyche v. Christensen, 170 F.3d 769, 770 (7th Cir. 1999). The district court's role with respect to an appeal is limited to determining whether 1) plaintiff is barred from proceeding as a pauper under the three strikes provision in § 1915(g); 2) the appeal is taken in good faith; and 3) the party is indigent.) If plaintiff decides to pursue an appeal, he should arrange promptly to send to this court a trust fund account statement for the six-month period immediately preceding the date he files his notice of appeal so that an initial partial payment of the \$455 filing fee can be assessed.

With respect to plaintiff's concerns about his safety, neither federal judges nor other members of the courthouse are permitted to investigate a party's claim of wrongdoing, no matter how serious the claim may be. If plaintiff believes that his health or safety is threatened, he should notify officials at the Wisconsin Resource Center of his concerns so that they can investigate the situation and take steps to insure his safety. If plaintiff wishes to meet with someone from the Federal Bureau of Investigation, he is free to write to that

agency to request an interview.

Entered this 13th day of February, 2007.

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