

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

BEN RICHARDSON and LEMON SCRUGGS,

Petitioners,

v.

LT. GAULT, OFFICER ZANDER, OFFICER
RASMUSSEN, KURTZHALS, THOMAS and
NATHAN,

Respondents.

ORDER

05-C-664-C

Petitioners have requested leave to proceed in forma pauperis in this civil action for money damages brought under 42 U.S.C. § 1983. In their complaint, petitioners allege that defendants, officers of the Wausau Police Department, violated their rights under the Fourth and Fourteenth Amendments when they illegally searched petitioner Richardson's home, illegally arrested petitioner Scruggs, and racially discriminated against both petitioners.

From the affidavit of indigency accompanying petitioners' proposed complaint, I cannot determine whether petitioners qualify for indigent status. They have submitted a single affidavit of indigency in which they state they are not employed, receive no money from sources other than employment and own no assets but have no debts or other

outstanding obligations. Nowhere in petitioners' affidavit do they indicate how they pay for their basic needs of housing, food and clothing.

ORDER

IT IS ORDERED that a decision whether petitioners Ben Richardson and Lemond Scruggs may proceed in forma pauperis in this action is STAYED. Petitioners may have until December 7, 2005, in which to complete the enclosed affidavit of indigency form and return it to the court. Petitioners should take particular care to show the source of the funds they use to pay for their basic necessities, such as food, clothing and shelter. If, by December 7, 2005, petitioners fail to provide the requested financial information, I will deny their request for leave to proceed in forma pauperis for failure to show that they meet the court's indigency standards.

Entered this 23rd day of November, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge