

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

BEN RICHARDSON and LEMON D SCRUGGS,

Petitioners,

v.

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

Respondents.

ORDER

05-C-664-C

This is a proposed civil action for monetary relief brought under 42 U.S.C. § 1983, in which petitioners Ben Richardson and Lemond Scruggs contend that respondents, 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. Petitioners seek leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Because the affidavits of indigency accompanying petitioners' proposed complaint did not provide any indication how petitioners pay for any of their most basic needs, in an order dated November 23, 2005, I directed petitioners to supplement their affidavits by December

7, 2005, taking “particular care to show the source of the funds they use to pay for their basic necessities, such as food, clothing and shelter.” Order dated Nov. 23, 2005, dkt. #2, at 2. I warned them that failure to supplement their affidavit would result in denial of their request for leave to proceed in forma pauperis. Petitioners did not respond to the order. Therefore, I will deny their request to proceed in forma pauperis. If they wish to proceed with this action, petitioners will have to pay the \$250 filing fee by December 30, 2005.

ORDER

IT IS ORDERED that petitioners’ request for leave to proceed in forma pauperis in this action is DENIED because petitioners have not shown that they qualify for indigent status.

Further, IT IS ORDERED that petitioners may have until December 30, 2005, in which to pay the \$250 fee for filing their lawsuit. If, by December 30, 2005, petitioners fail

to pay the fee, the clerk of court is directed to close this case.

Entered this 8th day of December, 2005.

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