

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

JEFFREY P. SULASKI,

Petitioner,

v.

STEPHEN HOBART,

Respondent.

ORDER

05-C-746-C

On February 6, 2006, this court entered judgment dismissing petitioner Jeffrey Sulaski's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. Subsequently, petitioner was granted an enlargement of time to May 5, 2006, in which to file a notice of appeal. Petitioner's notice appears to have been timely filed under Houston v. Lack, 487 U.S. 266 (1988). Although it was not received at the court until May 9, 2006, the envelope bearing the appeal is postmarked May 5, 2006.

Petitioner's notice of appeal is not accompanied by the \$455 filing fee. Therefore, I construe his notice to include a request for leave to proceed on appeal in forma pauperis. As I told petitioner in the order of April 13, 2006, granting him an extension of time in which to file his appeal, I will not find him to be qualified to proceed in forma pauperis

unless he submits a trust fund account statement for the preceding six months from which I can find him financially eligible and I determine that his appeal is taken in good faith. Petitioner has not submitted a trust fund account statement with his notice of appeal and he has not described in an affidavit the issues he intends to present on appeal. Therefore, I will stay a decision on his request for leave to proceed in forma pauperis on appeal to allow him to submit the necessary documents.

ORDER

IT IS ORDERED that a decision whether petitioner may proceed in forma pauperis on appeal is STAYED. Petitioner may have until June 2, 2006, in which to submit a trust fund account statement for the six- month period beginning approximately November 12, 2005 and ending approximately May 12, 2006. If, by June 2, 2006, petitioner fails to submit the necessary trust fund account statement, I will deny his request for leave to proceed in forma pauperis on appeal for his failure to show that he is entitled to indigent status on appeal

Further, IT IS ORDERED that petitioner may have until June 2, 2006, in which to submit an affidavit describing the issues he intends to raise on appeal so that I can

determine whether his appeal is taken in good faith.

Entered this 15th day of May, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge