

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

KENNETH VALENTINE AWE,

Petitioner,

ORDER

06-C-34-C

v.

GRANT COUNTY JAIL SHERIFF
KEITH GOVIER; CHIEF DEPUTY
JACK JOHNSON; SUPERVISOR
JOANN KOOLLER,

Respondents.

Petitioner Kenneth Valentine Awe, a prisoner at the Grant County Jail in Lancaster, Wisconsin, has filed a proposed civil complaint, together with a request for leave to proceed under the in forma pauperis statute, 28 U.S.C. § 1915. In his complaint, it appears that petitioner is claiming that jail officials violated his rights under federal law by requiring him to pay more postage than necessary on a one-ounce piece of mail. He seeks a refund of the unnecessary postage he paid and imposition of a “fine” on respondents for their behavior.

Because he is a prisoner, petitioner is subject to the 1996 Prison Litigation Reform Act. The act requires that before the court can consider whether petitioner may be granted

leave to proceed in forma pauperis, he must submit an affidavit of indigency listing all assets he possesses AND a certified copy of his trust fund account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of his complaint. The certified copy of the trust fund account statement must be obtained from the appropriate official of each prison or jail at which the prisoner is or was confined over the 6-month period. Once the statement is submitted to the court, the court must calculate an initial partial payment of the \$250 filing fee for a civil complaint and require the prisoner to pay the sum assessed before it may review the prisoner's complaint further. Moreover, under the act, whether petitioner is granted pauper status or is denied leave to proceed on the ground that his claim lacks legal merit, he must pay the remainder of the filing fee in monthly installments until the full \$250 fee has been paid. If a prisoner's trust fund account statement shows that he has no assets or other means by which to pay the initial installment, he may still be allowed to bring his action. However, the district court clerk is required to monitor the prisoner's account so that, when funds exist, installments may be collected until the fee is paid in full.

Petitioner has not submitted a trust fund account statement with his pleading. Instead, he has submitted a "Medical Bill Itemization." This document is not an appropriate substitute for the financial statement required under the act. Therefore, I cannot take further action in this case until petitioner submits the required statement. If petitioner does

not submit the statement within the deadline set forth below, I will understand petitioner's inaction to mean that he has decided not to pursue this action further. In that event, the clerk of court will close this file and petitioner will not have to pay the \$250 filing fee.

ORDER

IT IS ORDERED that no later than February 21, 2006, petitioner submit a trust fund account statement for the six-month period beginning approximately August 7, 2005 and ending approximately February 7, 2006. If, by February 21, 2006, petitioner fails to submit the trust fund account statement or show cause for his failure to do so, the clerk of court is directed to close this file.

Entered this 30th day of January, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge