

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

SHAROME ANDRE POWELL,

Plaintiff,

ORDER

v.

06-C-58-C

SERGEANT FINK, LIEUTENANT DURDIN,
CORRECTIONAL OFFICER KOPEHAMER,
CAPTAIN SEAN SALTER, JANEL NICKEL,
Security Director, GREGORY GRAMS, Warden,
and NURSE HAHNISCH,

Defendants.

As directed in this court's order of October 26, 2006, plaintiff Sharome Andre Powell has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the October 26 2 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.)

From plaintiff's trust fund account statement, I conclude that he is qualifies for indigent status and that he presently has no means with which to pay an initial partial payment of the \$455 fee for filing his appeal. Nevertheless, plaintiff should be aware that he is obligated to pay the \$455 filing fee, even if he does not presently have funds with which to do so. His account will be monitored and the fee must be taken in monthly installments when the funds exist.

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis on appeal is GRANTED. Although plaintiff does not have the means to pay an initial partial payment, the clerk of court is requested to insure that the court's financial records reflect that petitioner owes the \$455 fee for filing his appeal.

Entered this 6th day of November, 2006.

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