

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

PERCY BROWN,

Petitioner,

v.

ECONO LODGE MOTEL;
Owner, ANITA D.; and
Manager, JENNIFER GANESK,

Respondents.

ORDER

06-C-150-C

Petitioner Percy Brown, a pretrial detainee at the Milwaukee County Jail, has submitted a proposed complaint that is written in the hand of another detainee at the jail, Gary Campbell. In his complaint, petitioner sues two private citizens and a motel for their alleged roles in permitting police to enter petitioner's room without a warrant and seize property that is being used as evidence in connection with criminal charges pending against petitioner. Brown seeks leave to proceed in forma pauperis. However, he has not signed his complaint as required by Fed. R. Civ. P. 11. In addition, his trust fund account statement does not cover the full six-month period immediately preceding the date he filed his complaint as it must under 28 U.S.C. § 1915(a)(2). Petitioner's complaint was submitted to the court on March 21, 2006. The trust fund account statements petitioner submitted

should have covered the period beginning approximately September 15, 2005 and ending approximately March 15, 2006. Petitioner's statement ends on January 17, 2006, two months short. Therefore, if petitioner Brown wishes to continue with this lawsuit, he will have to supplement his trust fund account statement with an additional statement covering the period beginning January 17, 2006 and ending March 15, 2006, and he will have to file a signed copy of the complaint filed in this case.

In deciding whether to pursue his claim in this lawsuit, petitioner may wish to consider whether private individuals and entities may be sued for violations of his constitutional rights and, even if they can, whether his claim is barred under Younger v. Harris, 401 U.S. 37 (1971).

ORDER

IT IS ORDERED that petitioner Brown may have until April 21, 2006, in which to file a signed copy of the complaint in this case, and a certified copy of his trust fund account statement for the period beginning January 17, 2006 and ending March 15, 2006, If, by April 21, 2006, petitioner Brown fails to submit a signed complaint and the necessary supplement to his trust fund account statement, I will assume that he wishes to withdraw

this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to petitioner's filing his case at a later date.

Entered this 31st day of March, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge