

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

JEFFREY COTTER,

Petitioner,

v.

KETTLE MORaine CORRECTIONAL
INSTITUTION HEALTH SERVICES UNIT;
UNNAMED NURSES; UNNAMED CORRECTIONAL
STAFF; UNNAMED MEDICAL STAFF and
UNNAMED ADMINISTRATIVE STAFF AT KMCI,

Respondents.

ORDER

06-C-192-C

Petitioner Jeffrey Cotter, a prisoner at the Oakhill Correctional Facility in Oregon, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner makes an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on March 28, 2006. His trust fund account

statement should cover the period beginning approximately September 15, 2005 and ending approximately March 15, 2006. Instead, it covers a two-month period beginning February 1, 2006 and ending March 28, 2006. This statement shows that on February 8, 2006, a sum of money was transferred into petitioner's account from the Dodge Correctional Institution. When a prisoner is incarcerated at one or more institutions during the six-month period immediately preceding the filing of his lawsuit, he is required under 28 U.S.C. § 1915(a)(2) to obtain a trust fund account statement "from the appropriate official of each prison at which [he] is or was confined" during the relevant period. Therefore, if petitioner wants to continue with this lawsuit, he will have to write to the Dodge Correctional Institution and any other institution in which he may have been confined between September 15, 2005 and his transfer to Oakhill to request a certified copy of his trust fund account statement for the appropriate period.

ORDER

IT IS ORDERED that petitioner may have until May 8, 2006, in which to submit a trust fund account statement for the period beginning October 2, 2000 and ending February 6, 2001, and for the period beginning March 6, 2001 and ending April 1, 2001. If, by May 8, 2001, petitioner fails to respond to this order, I will assume that he wishes to

withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 13th day of April, 2006.

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