

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

In an order entered in this case on April 13, 2006, I noted that petitioner Jeffrey Cotter, a prisoner at the Oakhill Correctional Facility in Oregon, Wisconsin, had not submitted a trust fund account statement covering the full six-month period immediately preceding the filing of his proposed complaint. I told petitioner that because it appeared that he had been incarcerated for at least a portion of the time between approximately September 15, 2005 and February 1, 2006, when the statement he submitted begins, he would have 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. 28 U.S.C. § 1915(a)(2).

Now petitioner has supplemented his trust fund account statement with a statement from the Dodge Correctional Institution covering the period of his incarceration there. Petitioner states that before he was incarcerated at Dodge, he was in the Shawano County Jail, but that the jail has refused his request for a statement covering the time he was housed there. Rather than delay these proceedings any longer, I will accept petitioner's trust fund account statements from the two most recent places of his incarceration. Based on these statements, I calculate petitioner initial partial payment to be \$4.27. Because petitioner filed his complaint on March 28, 2006, before the filing fee was raised to \$350, he will have to pay the remainder of the \$250 fee in monthly installments pursuant to 28 U.S.C. § 1915(b)(2) until the fee is paid in full.

ORDER

IT IS ORDERED that petitioner is assessed \$4.27 as an initial partial payment of the \$250 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$4.27 on or before May 31, 2006. If, by May 31, 2006, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is

directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 10th day of May, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge