

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

CLAYTON H. MELLENDER,

Petitioner,

v.

ORDER

06-C-266-C

DANE COUNTY; PRISON HEALTH SERVICES at Dane County Jail;
NURSE SHAYA DOE (Last Name Unknown);
NURSE JANE DOE (Nurse who withheld medication at Dane County Jail);
DEPUTY SKINNER; CAPTAIN MIKE PLUMER;
SHERIFF GARY HAMBLIN,

Respondents.

CLAYTON HARDY MELLENDER,

Petitioner,

v.

06-C-298-C

DANE COUNTY; PRISON HEALTH SERVICES at Dane County Jail; SHERIFF GARY HAMBLIN;
CAPTAIN MIKE PLUMER; and DR. JOHN DOE,

Respondents.

In an order dated June 1, 2006, I gave petitioner until June 22, 2006, in which to

submit \$5.10 as an initial partial payment of the filing fee in Case No. 06-C-298-C. In an order dated May 19, 2006, I assessed petitioner an initial partial payment of \$21.43 in Case No. 06-C-266-C, an amount later reduced to \$3.23 by an order dated June 5, 2006. Petitioner was ordered to pay his \$3.23 payment by June 26, 2006. In the June 1 and June 5 orders, I warned petitioner that if he failed to make the initial partial payments or show cause for his failure to do so, he would be held to have withdrawn his actions voluntarily and his cases would be closed without prejudice to his filing them at a later date.

Now, petitioner has submitted a letter postmarked June 26, 2006, in which he asserts that he was transferred recently from the New Lisbon Correctional Institution to the Waupun Correctional Institution. From remarks petitioner makes in his letter, it appears that he never received the court's June 5, 2006 order and that he is under the mistaken belief that his mother has submitted initial partial payments for him in both Case No. 06-C-298-C and Case No. 06-C-266-C. No payment has been submitted on petitioner's behalf in either case.

In his letter, petitioner alleges that funds in his prison trust account have not yet been transferred to his new institution and therefore he is unable to make his initial payment at this time. Because petitioner's inability to submit payment appears to be beyond his control, I will extend his deadline for submitting an initial partial payment for a period of three weeks. Petitioner may have until July 19, 2006 in which to submit \$3.23 as an initial

payment of the filing fee in Case No. 06-C-266-C and \$5.10 as an initial payment of the filing fee in Case No. 06-C-298-C. No further extensions will be granted.

ORDER

IT IS ORDERED that petitioner Clayton Hardy Mellender may have until July 19, 2006 in which to submit \$3.23 as an initial payment of the filing fee in Case No. 06-C-266-C and \$5.10 as an initial payment of the filing fee in Case No. 06-C-298-C. If he fails to do so by July 19, 2006, the clerk of court is directed to close the file for each case in which an initial partial payment has not been submitted.

Entered this 29th day of June, 2006.

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