

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

ANDRE WINGO,

Plaintiff,

v.

ORDER

CAPTAIN HESKE, SGT. CURLER and
CO II BLASK,

06-C-440-S

Defendants.

The above entitled matter was remanded to this Court to assess an initial partial filing fee for the appeal. Upon receipt of plaintiff's trust fund account statement the Court assesses his initial partial filing fee.

Pursuant to 28 U.S.C. § 1915(b)(1), as amended by the Prison Litigation Reform Act, effective April 26, 1996, a prisoner appealing a civil action shall be required to pay the full amount of the \$455.00. The Court shall collect an initial partial filing fee of 20% of the greater of the average monthly deposits in the prisoner's account or the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the complaint.

According to the information that petitioner submitted, he had income of \$36.60 in the six month time period immediately preceding the filing of the complaint, an average of \$6.10 a month.

Petitioner has the means to pay an initial partial filing fee of \$1.22, 20% of this amount.

ORDER

IT IS ORDERED that plaintiff shall pay an initial partial filing fee for his appeal of \$1.22.

Entered this 20th day of March, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge