

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

RODNEY HOPKINS,

Petitioner,

ORDER

v.

06-C-597-C

MATTHEW J. FRANK;
DR. QUISLING;
WARDEN, COLUMBIA CORRECTIONAL
INSTITUTION; and WARDEN,
MILWAUKEE SECURE DETENTION FACILITY,

Respondents.

When petitioner Rodney Hopkins failed to pay the \$2.61 initial partial payment of the filing fee he had been assessed in this case by the deadline established in this court's order October 21, 2006, his case was closed without prejudice to his refileing it at a different time. Now petitioner has submitted a proposed amended complaint, together with a cover letter asking to be informed whether his initial partial payment was paid. Petitioner states that if he learns that his initial partial payment has not been paid, he will ask prison officials to take the \$2.61 from his release account.

In this court's order of October 21, I told petitioner that if he did not have the money to make the initial partial payment in his regular account, he would have to arrange with

prison authorities to pay some or all of the assessment from his release account. Although it is unclear why petitioner did not pursue that avenue from the start, he is free to do so now. If the court receives a check or money order made payable to the clerk of court in the amount of \$2.61 no later than January 29, 2007, I will construe the payment to include a motion to reopen this case and I will take petitioner's proposed amended complaint under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2). However, if petitioner fails to make the payment by January 29, 2007, his case will remain closed. If he later decides he wishes to pursue this action, he will have to submit a new trust fund account statement covering the six-month period immediately preceding the filing of a motion to reopen so that I can consider his current financial status in determining the amount of the initial partial payment required.

IT IS ORDERED that petitioner may have until January 29, 2007, in which to submit a check or money order made payable to the clerk of court in the amount of \$2.61 as an initial partial payment of the \$350 fee for filing this case. If, by January 29, 2007, petitioner fails to make the initial partial payment or show cause for his failure to do so, his action will remain closed and no request for leave to reopen the action will be considered in

the absence of the submission of a new trust fund account statement for the six-month period immediately preceding the filing of such a motion to reopen.

Entered this 8th day of January, 2007.

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