

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

MARK RENALDO LOWE,

Petitioner,

v.

ORDER

06-C-680-C

WARDEN LARRY JENKINS, MICHAEL DITTMAN,
DR. HORN, DR. KAPLAN, NURSE DAN,
SGT. BHAMANN, WILLIAM McCREEDY,
HAYLEY PUCKER, JAMES LaBELLE,
JOHN RAY and RICK RAEMISCH,

Respondents.

MARK RENALDO LOWE,

Petitioner,

v.

WARDEN JENKINS, MR. DITTMAN,
MR. GRASSY, MRS. WALDO, MR. FONNEY,
MS. PRESEKEN and MS. BECKER,

06-C-689-C

Respondents.

In response to this court's order of November 30, 2006, petitioner Mark Renaldo
Lowe, a prisoner at the Kettle Moraine Correctional Institution in Plymouth, Wisconsin, has

advised the court that he wishes to pursue both of these cases. In addition, he has submitted the required trust fund account statement so that the court can calculate the initial partial payment of the \$350 fee for filing each case. From his comments that “he truly doesn’t have monies to pay the required filing fee to hear both of his [cases]” and that he has submitted his financial statements so that this court could “consider waiving the cost to hear his [cases],” I am concerned that petitioner does not understand his obligations under the 1996 Prison Litigation Reform Act. To make it clear, I must assess petitioner an initial partial payment of the filing fee in each of his cases. If he pays the initial partial payments, I will screen the merits of his complaints. If I conclude that he has failed to state a claim of constitutional magnitude in either case, I will dismiss the case. Even if I dismiss the case, petitioner will have to pay the remainder of the filing fee in monthly installments until the entire \$350 filing fee has been paid. If petitioner does not pay the initial partial payment I assess in either case within the time allowed, I will consider that he has withdrawn his complaints and he will not owe the filing fees. Otherwise, he will owe two filing fees for a total of \$700, less the amount of his initial partial payments.

ORDER

IT IS ORDERED that petitioner is assessed an initial partial payment of \$16.84 in each of these cases. On or before January 30, 2007, he is to submit either two checks made payable to the clerk of court in the amount of \$16.84 or, alternatively, a single check in the

amount of \$33.68, which is accompanied by a notation that it is to be divided between these two cases. If, by January 30, 2007, petitioner fails to make the initial partial payment in either case or show cause for his failure to do so, he will be held to have withdrawn the action in which the initial partial payment is not made. In that event, the clerk of court is to close the particular file of the case for which the initial partial payment is not made without prejudice to petitioner's filing the case at a later date.

Entered this 9th day of January, 2007.

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