

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

ROBERT A. MOORE,

Petitioner,

ORDER

v.

07-C-0059-C

PAMELA WALLACE, Warden,
Stanely Correctional Institution,

Respondent.

Petitioner, a prisoner at the Stanley Correctional Institution, requests leave to proceed in forma pauperis on appeal from this court's denial of his petition for a writ of habeas corpus. Petitioner has supported his request with an affidavit of indigency and a six-month trust account statement from the institution.

In determining whether to allow a prisoner to proceed in forma pauperis, this court uses the following formula. First, the court determines petitioner's average monthly deposits and his average monthly balances for the six-month period mentioned above. If 20% of the greater of these two figures is \$455 or more, the petitioner is not eligible for indigent status and will have to prepay all of the \$455 filing fee. If 20% of the greater of these two figures is less than \$455, he will be required to prepay whatever portion less than \$455 has been calculated.

Applying this formula to petitioner, I find that he is able to pay at least a portion of the appellate filing fee. According to the trust account statement, in the past six months petitioner's monthly balance has averaged \$396.64. His average monthly deposits are \$34.83. Twenty percent of the greater of these two figures, \$396.64, is \$79.32. Accordingly, I will grant petitioner's application for leave to proceed in forma pauperis on the condition that he prepay \$79.32.

ORDER

IT IS ORDERED that the petition of Robert Moore for leave to proceed in forma pauperis on appeal is GRANTED on the condition that he prepay the amount of \$79.32. Petitioner has until March 28, 2007 to pay this amount. If he fails to submit the partial filing fee by March 28, 2007, his appeal may be dismissed for failure to prosecute it.

Entered this 14th day of March, 2007.

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