

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

THOMAS DRUSCH,

Petitioner,

ORDER

v.

07-C-0041-C

BYRAN BARTOW, Director,
Wisconsin Resource Center,

Respondent.

Thomas Drusch, a person serving a term of civil confinement at the Wisconsin Resource Center in Winnebago, Wisconsin, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner requests leave to proceed *in forma pauperis*. He has supported his request with an affidavit of indigency and a six-month trust account statement from the institution covering the period from July to December 2006.

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 \$5 or more, the petitioner is not eligible for indigent status and will have to prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, he will be required to prepay whatever portion less than \$5 has been calculated.

Applying this formula to petitioner, I find that he is not entitled to proceed *in forma pauperis*. Although petitioner's average monthly balance is only \$12, his average monthly deposits are \$57.31. Twenty percent of this figure is \$11.46. Because this amount is greater than \$5, petitioner must prepay the filing fee.

ORDER

IT IS ORDERED that the petition of Thomas Drusch for leave to proceed *in forma pauperis* is DENIED. Petitioner has until February 28, 2007 in which to pay the \$5 filing fee. If he fails to pay the fee by February 28, 2007, his petition may be dismissed for his failure to prosecute it.

Entered this 7th day of February, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge