

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

LAWRENCE NORTHERN and
VIRN POLK,

Petitioners,

v.

ORDER
07-C-142-S

TIMOTHY LUNDQUIST, LARRY FUCHS,
C. O. REGER , CAPTAIN DENKE and
DR. GLEN HEINZL,

Respondents.

Petitioners request leave to proceed in forma pauperis.
Attached to their affidavit of indigency is a proposed complaint.

Pursuant to 28 U.S.C. § 1915(b)(1), as amended by the Prison Litigation Reform Act, effective April 26, 1996, a prisoner bringing a civil action shall be required to pay the full amount of the \$350.00 filing fee. 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.

The Court shall collect an initial partial filing fee of 20% of the greater of the average monthly deposits in each prisoner's

account or the average monthly balance in each prisoner's account for the six month period immediately preceding the filing of the complaint.

According to the information that petitioner Lawrence Northern submitted, he had income of \$383.08 in the six month time period immediately preceding the filing of the complaint, an average of \$63.85 a month. Petitioner Northern has the means to pay an initial partial filing fee of \$12.77, 20% of this amount.

According to the information that petitioner Virn Polk submitted, he had income of \$516.48 in the six month time period immediately preceding the filing of the complaint, an average of \$86.08 a month. Petitioner Polk has the means to pay an initial partial filing fee of \$17.22, 20% of this amount.

Failure to pay these partial filing fees by April 5, 2007 may result in dismissal of this action for failure to prosecute. According to 28 U.S.C. § 1915(b)(2), after payment of the initial partial filing fee the institution's financial officer is authorized to deduct monthly payments from the petitioner's account until the \$150.00 filing fee is paid in full.

ORDER

IT IS ORDERED that petitioners' request to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that petitioner Northern shall pay an

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initial partial filing fee of \$12.77 by April 5, 2007 or this action may be dismissed for his failure to prosecute.

IT IS FURTHER ORDERED that petitioner Virn Polk shall pay an initial partial filing fee of \$17.22 by April 5, 2007 or this action may be dismissed for his failure to prosecute.

Entered this 15th day of March, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge