

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

WAR N. MARION,

Plaintiff,

v.

DYLON RADTKE, JANEL NICKEL
and CHAD KELLER,

Defendants.

ORDER

07-cv-243-bbc

As directed in this court's June 16, 2010 order, plaintiff War Marion has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal *in forma pauperis* and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. (In the June 16 order, this court found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal *in forma pauperis*.)

From plaintiff's trust fund account statement, I conclude that he is qualified for indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing his appeal in the amount of \$1.56.

ORDER

IT IS ORDERED that plaintiff War Marion's request for leave to proceed *in forma pauperis* on appeal is GRANTED. Plaintiff may have until July 21, 2010, in which to submit a check or money order made payable to the clerk of court in the amount of \$1.56. If, by July 21, 2010, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will

advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$1.56 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 30th day of June, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge