

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

VANCES H. SMITH,

Petitioner,

v.

RICK RAEMISCH;
MIKE THURMER;
DAN WESTFIELD; and
PHIL KINGSTON,

Respondents.

ORDER

07-C-297-C

In an order dated June 6, 2007, I denied petitioner Vances H. Smith's motion for leave to proceed in forma pauperis in this action because he has struck out under 28 U.S.C. § 1915(g). I gave petitioner until June 20, 2007, in which to pay the \$350 filing fee and to him that if he did not, the clerk of court would close this file. Now petitioner has written to ask for an enlargement of time in which to pay the filing fee. He states that a family member has agreed to "attempt to assist" him raise the money, but that it may take "a couple of weeks" or "30 days."

Although it may well be that petitioner's relatives intend to help him with the filing

fee, \$350 is a substantial sum of money and neither petitioner nor the family member to whom he has spoken appears certain that the sum can be raised. Under these circumstances, it is more efficient to close the case as the June 6 order directed rather than grant one or more continuances to allow petitioner sufficient time to pay the fee. Petitioner will suffer no prejudice by such a procedure, because the closure is without prejudice to his moving to reopen the case at such time as he can pay the filing fee. Therefore, I will deny petitioner's request for an enlargement of time to pay the filing fee and direct the clerk of court to close the file without prejudice to petitioner's moving to reopen it at a later time when he can pay the filing fee.

ORDER

IT IS ORDERED that petitioner's motion for an enlargement of time to July 30, 2007, in which to pay the \$350 fee for filing this case is DENIED. The clerk of court is directed to close this file. Petitioner is free to move to reopen the case at a later date when

he has the money to pay the filing fee.

Entered this 21st day of June, 2007.

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