

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

ROGER D. GODWIN,

Petitioner,

v.

NURSE THOMPSON; DR. ALDER;
SHARON ZUNKER; NURSE NERDUM,

Respondents.

ORDER

07-C-321-C

Shortly after petitioner's \$.90 initial partial payment of the \$350 fee for filing this case was credited to petitioner's account for this case, petitioner advised the court that he wished to dismiss the case voluntarily. An order accepting the notice of voluntary dismissal was entered on July 25, 2007. In the order, I told petitioner that although he was dismissing his action voluntarily at its earliest stage, he still would have to pay the \$349.10 balance of the filing fee. On further reflection, however, I believe that requiring petitioner to pay \$350 for a complaint he withdrew before the court engaged in any effort to screen its merits is unnecessarily harsh. Therefore, I am requesting the clerk of court to apply petitioner's \$.90 payment in this case toward the filing fee obligations he owes in cases he filed earlier in this

court, case nos. 05-C-493-C, 06-C-489-C and 07-C-208-C. The order entered herein on July 25, 2007, will be amended to eliminate the requirement that petitioner pay a filing fee for this action.

ORDER

IT IS ORDERED that the \$.90 initial partial payment petitioner submitted in this case is to be applied to the balance he owes on the filing fees in case nos. 05-C-493-C, 06-C-489-C and 07-C-208-C.

Further, IT IS ORDERED that the order entered herein on July 25, 2007, is AMENDED to delete the following statement, "The unpaid balance of petitioner's filing fee is \$349.10; petitioner is obligated to pay this amount in monthly payments as described in 28 U.S.C. § 1915(b)(2)." A copy of this order is being sent to the warden of the Jackson Correctional Institution so that the institution's financial records are corrected to remove this debt.

Entered this 6th day of August, 2007.

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