

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

RAYMOND BILL EVANS,

Petitioner,

v.

SAUK COUNTY SHERIFF;
DANE COUNTY SHERIFF;
JOHN DOE/DOCTOR;
JOHN DOE MEDICAL CONTRACTOR;

Respondents.

ORDER

07-C-328-C

In an order entered in this case on June 20, 2007, I told petitioner Raymond Bill Evans that I could not calculate the amount of the initial partial payment he would have to make toward full payment of the \$350 filing fee because he had not submitted a complete trust fund account statement as required by 28 U.S.C. § 1915(b) and because the financial information petitioner did submit was printed so close together on the page and in such a tiny font that it was nearly impossible to read. I directed petitioner to submit, no later than July 15, 2007, a trust fund account statement for the period beginning in late January 2007 and ending in late May 2007, the period within which petitioner was incarcerated at the

Winnebago County jail, and a new copy of his trust fund account statement from the Dane County jail that is legible. I told petitioner that if, by July 15, 2007, he failed to respond to the order, I would assume that he wished to withdraw this action voluntarily and the clerk of court would be directed to close this file without prejudice to petitioner's filing his case at a later date. Now petitioner has submitted a document titled "Affidavit of Mailing," in which he says that he cannot get a legible copy of his trust fund account statement from the Dane County jail or any copy of his trust fund account statement from the Winnebago County jail. However, petitioner does not explain why he cannot get the necessary statements or include with his "affidavit" any proof that he has asked the financial officers at the two jails to make a copy of his trust fund account statement for him and that these requests have been denied. In the absence of such documentation of his efforts to obtain the statements as § 1915(b) requires, I cannot consider further petitioner's request for leave to proceed in forma pauperis. Therefore, I construe petitioner's affidavit as a motion for an enlargement of time within which to submit the necessary statements and I will grant the motion.

ORDER

IT IS ORDERED that petitioner may have an enlargement of time to July 31, 2007, in which to submit a trust fund account statement for the period beginning in late

January 2007 and ending in late May 2007, which is the time that petitioner was incarcerated at the Winnebago County jail. In addition, IT IS ORDERED that by July 31, 2007, petitioner is to submit a new copy of his trust fund account statement from the Dane County jail that is legible. If, by July 31, 2007, petitioner fails to submit the necessary statements or show cause with documentation why he cannot do so, I will assume that he wishes to withdraw this action voluntarily. In that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 3d day of July, 2007.

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