

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

Petitioner is a prisoner at the Dane County jail who is seeking leave to proceed in forma pauperis but has had some difficulty providing the court with the necessary information to determine whether he qualifies. Petitioner initially provided an account statement from the Dane County jail, but the statement was nearly illegible (because the print was extremely small and close together) and did not cover the entire previous six months (because petitioner had been transferred for a time to the Winnebago County jail). I directed petitioner to submit a legible copy of his Dane County statement along with a statement covering the time period he was held at the Winnebago County jail.

After receiving one extension of time, petitioner has filed two documents in an attempt to comply with this court's order. One of them appears to be an account statement from the jail in Winnebago cover the appropriate time period. However, the other is not a legible copy of the original statement from Dane County. Instead, it appears to be an undated summary of the original statement. This is good enough. By comparing the summary with the original statement, it is possible to determine what the relevant dates and entries are.

Accordingly, petitioner may have until August 8, 2007, in which to make an initial partial payment of \$9.89. Once the court receives payment, I will screen petitioner's complaint as I am required to do under the Prison Litigation Reform Act, 28 U.S.C. §§1915 and 1915A, to determine whether any portion of it is legally frivolous, malicious, fails to state a claim upon which relief may be granted or asks for money damages from a defendant who by law cannot be sued for money damages.

If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$9.89 initial partial payment. Before prison officials take any portion of that amount from petitioner's release account, they may first take from

petitioner's regular account whatever amount up to the full amount petitioner owes.

ORDER

IT IS ORDERED that petitioner is assessed \$9.89 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$9.89 on or before August 8, 2007. If, by August 8, 2007, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 17th day of July, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge