

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

NORMAN MALONE,

Petitioner,

v.

CORRECTIONS CORPORATION OF AMERICA,

Respondent.

ORDER

07-C-377-C

As directed in this court's order of November 2, 2007, petitioner Norman Malone 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 November 2 order, I found that petitioner'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 petitioner's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess petitioner an initial partial payment of the \$455 fee for filing his appeal in the amount of \$21.28.

IT IS ORDERED that petitioner Norman Malone's request for leave to proceed in forma pauperis on appeal is GRANTED. Petitioner may have until December 17, 2007, in which to submit a check or money order made payable to the clerk of court in the amount of \$21.28. If, by December 17, 2007, petitioner 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 petitioner's obligation to pay the \$21.28 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 26th day of November, 2007.

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