

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

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ANDREW MATTHEW OBRIECHT,

Petitioner,

v.

MICHAEL THURMER, Warden,  
Waupun Correctional Institution,

Respondent.

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ORDER

3:07-cv-409-bbc

Andrew Matthew Obriecht requests leave to proceed in forma pauperis on appeal from this court's judgment dismissing his petition for a writ of habeas corpus and subsequent post-judgment orders denying his requests for reconsideration. Petitioner has supported his request with an affidavit of indigency and a six-month trust account statement from the institution.

Petitioner's January 22, 2008 trust account statement shows that in the past six months, his monthly deposits have averaged \$198.33. Applying this court's formula for determining whether a prisoner may proceed in forma pauperis, petitioner must prepay 20 percent of this amount, or \$39.66, before he may proceed with his appeal. In his motion, petitioner argues that he cannot pay this amount because he currently has a negative loan balance as a result of his engagement in "voluminous litigation." However, petitioner's

involvement in numerous court cases does not entitle him to a total fee waiver. It simply means that petitioner will have to choose how to allocate his resources.

Accordingly,

ORDER

IT IS ORDERED that the petition of Andrew Matthew Obriecht for leave to proceed in forma pauperis on appeal is GRANTED on the condition that he prepay the amount of \$39.66. Petitioner has until February 19, 2008 to pay this amount. If he fails to submit the partial filing fee by February 19, 2008, his appeal may be dismissed for failure to prosecute it.

Entered this 29th day of January, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge