

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

THOMAS W. ZACH,

Petitioner,

v.

BRENDA STACEY, Probation Officer,
Wisconsin Department of Corrections,
Div. of Community Corrections; and
LEANN MOBERLY, Probation Supervisor,
Wisconsin Department of Corrections,
Div. of Community Corrections,

Respondents.

ORDER

07-C-426-C

Petitioner Thomas W. Zach, a prisoner at the Stanley Correctional Institution in Stanley, Wisconsin, has submitted a proposed complaint. In a cover letter accompanying the complaint, petitioner suggests that his “family” will be paying the \$350 filing fee for him. However, petitioner also submitted a “Motion and Affidavit for Leave to Proceed In Forma Pauperis” with his complaint. He appears to understand that because he is a prisoner, he is subject to the 1996 Prison Litigation Reform Act, which requires him to pay an initial partial payment of the filing fee that has been calculated from a certified copy of his trust

fund account statement for the six-month period immediately preceding the filing of his complaint. Unfortunately, although petitioner says in his motion that he is attaching a trust fund account statement, no such statement is attached.

It has been three weeks since petitioner suggested his family would pay the filing fee in this case and no payment has been received. Therefore, I have taken under advisement petitioner's request for leave to proceed in forma pauperis. I will rule on the motion as soon as petitioner submits the required trust fund account statement and subsequently pays any initial partial payment he is required to pay under 28 U.S.C. § 1915(b). Petitioner's complaint was submitted on August 2, 2007. Therefore, his trust fund account statement should cover the six-month period beginning approximately February 1, 2007 and ending approximately August 1, 2007.

ORDER

IT IS ORDERED that a decision on petitioner's request for leave to proceed in forma pauperis in this action is STAYED until September 4, 2007, by which time petitioner is to submit a trust fund account statement for the period beginning approximately February 1, 2007 ending January 2, 2007. If, by September 4, 2007, petitioner fails to submit the necessary statement, I will assume that he wishes to withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at

a later date.

Entered this 20th day of August, 2007.

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