

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

NATE A. LINDELL,

Petitioner,

v.

MATTHEW FRANK, STEVEN CASPERSON,
RICHARD SCHNEITER, PETER HUIBREGTSE,
RICHARD RAEMISCH, TOM GOZINISKE,
LT. TODD BRUDOS, LT. ___ BOISEN, JOHN RAY,
KELLY TRUMM, ELLEN RAY, SGT. JUDITH
HUIBREGTSE, K.J. (A/K/A JANE DOE),
C.O.'S MICHAEL SHERMAN and SHANNON,

Respondents.

ORDER

07-C-484-C

Petitioner Nate Lindell filed this action on August 29, 2007 and asked for leave to proceed in forma pauperis. In an order dated August 30, 2007, I concluded that petitioner owed an initial partial payment of the \$350 fee in the amount of \$1.50 and I gave him until September 20, 2007 in which to pay it. I told petitioner that if, by September 20, he failed to make the initial partial payment, he would be held to have withdrawn this action voluntarily and, in that event, the clerk of court would close this file without prejudice to his filing his case at a later date.

Now petitioner has moved for an extension of time to October 20, 2007, in which to pay the initial partial payment. He explains that he intends to ask his “kin” to send the payment but that this might take “a month or so, because [he has] to find the kin who are willing and able to do this, then they have to take the time to write out the check & mail it to this court & some live so far away it’ll take two weeks for them to receive and respond to [his] letter.”

Petitioner’s request will be denied. Nothing about petitioner’s plan to come up with the money to pay his initial partial payment appears so promising that an extension of his current deadline is warranted. Indeed, petitioner suggests no reason whatsoever to hold out hope that he will locate “kin” who will be willing to pay his fee. Moreover, as I told petitioner in the August 30 order, he will not be prejudiced by a dismissal of his action if he cannot pay the initial partial payment by September 20. He will be held to have withdrawn his action at the outset, which means he will not owe a filing fee, and his case will be closed without prejudice to being reopened promptly upon payment of the initial partial payment.

Accordingly, petitioner’s motion for an extension of time in which to make an initial

partial payment is DENIED.

Entered this 14th day of September, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge