

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

JAMES R. KELLEY,

Petitioner,

v.

ROBIN KENNEDY, JOHN REID
and JILL FALSTAD,

Respondents.

ORDER

3:08-cv-00027-bbc

Petitioner James Kelley, a prisoner at the Marathon County Jail in Wausau, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement that covers the six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on January 8, 2008. His trust fund account statement should cover the period beginning approximately July 8, 2007 and ending approximately January 8, 2008. Once petitioner has submitted the necessary statement, I

will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until February 7, 2008, in which to submit a trust fund account statement for the period beginning July 8, 2007 and ending January 8, 2008. If, by February 7, 2008, petitioner fails to respond to this order, 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 23d day of January, 2008.

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