

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

JAMAICA WILSON,

Petitioner,

v.

ORDER
08-cv-285-bbc

MICHAEL THURMER, Warden,
Waupun Correctional Institution,

Respondent.

Before the court is petitioner Jamaica Wilson's motion to proceed *in forma pauperis* in this habeas corpus action brought pursuant to 28 U.S.C. § 2254. On May 21, 2008, this court gave petitioner until June 23, 2008 to submit a six-month trust account statement in support of his motion. Dkt. 4. Petitioner has done so. Dkt. 5. He also has prepaid the \$5 filing fee. Dkt. 1.

In determining whether to allow a prisoner to proceed *in forma pauperis*, this court uses the following formula. First, the court determines petitioner's average monthly deposits and his average monthly balances for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, the petitioner is not eligible for indigent status and will have to prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, he will be required to prepay whatever portion less than \$5 has been calculated.

Applying this formula to petitioner, I find that he is able to prepay the filing fee. According to the trust account statement, in the past six months petitioner's monthly balance has averaged \$567.39 and his deposits have averaged \$128.89. Twenty percent of the average

monthly balance (the greater of the two figures) is \$113.48. Because this amount is more than \$5, petitioner is not eligible for indigent status.

ORDER

IT IS ORDERED that the application of Jamaica Wilson for leave to proceed *in forma pauperis* is DENIED.

Entered this 1st day of July, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge