

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

CLAUDE LOWERY #100184,

Petitioner,

ORDER

v.
THOMAS RUBENZER,

08-cv-479-slc

Respondent.

On August 19, 2008 , I directed petitioner to submit a resident account statement for the six month period immediately preceding the filing of his complaint so that I could determine the amount he would have to prepay toward the \$350 filing fee. I told petitioner that, if by September 8, 2008, he failed to submit the required statement, I would close his case for his failure to prosecute it. When petitioner failed to submit the required statement or explain his failure to do so by the September 8 deadline, I closed his case.

Now petitioner has filed a motion for extension of time to file his resident account statement. He requests more time to provide his statement because he did not receive the court's order in a timely manner. I will construe petitioner's motion as a motion to reopen his case and to grant him an extension of time to file the requested information. I will grant his motion and give him until October 24, 2008 to file his resident account statement.

ORDER

IT IS ORDERED that this case is REOPENED and petitioner's request for an extension of time to submit a certified copy of his resident account statement beginning approximately February 11, 2008 and ending approximately August 11, 2008 is GRANTED until October 24, 2008. If, by October 24, 2008, petitioner fails to submit the required statement or show cause of his failure to do so, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 3rd day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge