

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

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SAMUEL S. UPTHEGROVE,

Petitioner,

v.

ORDER

08-cv-552-slc

CHARLES TUBBS, PAUL WESTERHAUS,  
MR. OURADA, BRUCE SUNDE, SUPERVISOR  
BRANDT, SUPERVISOR LEMIER, SUPERVISOR  
DUSTY, SUPERVISOR ZEICU, SUPERVISOR  
GARR, SUPERVISOR GIERS, YC KRAFT,  
YC GERDES, YC RAASCH, YC NEWMAN,  
YC WENICK, YC BARNEY, YC NELSON,  
YC DEE, YC CHIESIT, YC MACK, YC  
KOEHLER, YC JAY BONE, YC MCCALLISTER  
and UNIT MANAGER TIMM,

Respondents.

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Petitioner Samuel Upthegrove, a prisoner at the Waupun Correctional Institution in Waupun, 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 \$350 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 with his complaint.

Petitioner's complaint was submitted on September 16, 2008. His trust fund account statement should cover the six-month period beginning approximately March 17, 2008 and ending approximately September 15, 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 28 U.S.C. § 1915(e)(2).

#### ORDER

IT IS ORDERED that petitioner may have until October 15, 2008, in which to submit a trust fund account statement for the period beginning March 17, 2008 and ending September 15, 2008. If, by October 15, 2008, petitioner fails to respond to this order, 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 24<sup>th</sup> day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge