

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

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NORRIS T. POWELL “SR.” et al, on behalf of  
himself,

ORDER

Petitioner,

08-cv-728-slc

v.

RICK RAEMISCH, et al.,

Respondent.

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This case was closed on January 20, 2009, when petitioner failed to submit a trust fund account statement for the purpose of allowing the court to determine whether he qualified to proceed *in forma pauperis*. Now petitioner has submitted 1) a letter dated March 12, 2009; a document titled “Order,” that I construe as a motion to reopen this case; and an updated trust fund account statement. Petitioner’s motion to reopen this case will be granted.

From petitioner’s trust fund account statement, I calculate his initial partial payment to be \$.59. Also, he must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$.59 initial partial payment. Before prison officials take any portion of that amount from petitioner’s release account, they may first take from

petitioner's regular account whatever amount up to the full amount petitioner owes. Petitioner should show a copy of this order to prison officials to insure that they are aware they should send petitioner's initial partial payment to this court.

#### ORDER

IT IS ORDERED that petitioner Norris Powell's motion to reopen this case, dkt. #3, is GRANTED.

Further, IT IS ORDERED that petitioner may have until April 7, 2009, in which to submit a check or money order made payable to the clerk of court in the amount of \$.59, which is the amount he is assessed as an initial partial payment of the \$350 fee for filing this case. Once that payment has been received, the court will screen petitioner's complaint pursuant to 28 U.S.C. § 1915(e)(2). If, by April 7, 2009, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 18<sup>th</sup> day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge