

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

AJOY KAPILA,

Petitioner,

v.

FEDERAL BUREAU OF PRISONS,

Respondent.

ORDER

08-cv-74-bbc

Because Judge Shabaz will be convalescing from shoulder surgery for a period of not less than sixty days beginning February 1, 2008, I have assumed administration of the cases previously assigned to him, including this one. This case was severed from a group lawsuit filed by petitioner and several other inmates in Afretto v. Federal Bureau of Prisons, 3:07-cv-630-jcs. In an order dated January 23, 2008, Judge Shabaz advised petitioner that he had until February 13, 2008, in which to advise the court whether he wished to withdraw his lawsuit or pay the \$350.00 filing fee. Petitioner has a third option about which I am advising him now. If he decides he wishes to prosecute this action and he cannot afford to pay the filing fee in full, he may ask for leave to proceed in forma pauperis. If he does this, he must arrange quickly to submit a trust fund account statement for the six-month period

beginning approximately May 2, 2007 and ending approximately November 2, 2007, so that I can determine whether he is indigent and, if he is, how much he must pay as an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act.

ORDER

IT IS ORDERED that the order entered in this case on January 23, 2008 is MODIFIED to allow petitioner until February 13, 2008, in which to do one of the following things:

a) advise the court that he will withdraw his complaint (in which case he will not owe a filing fee); or

b) submit a check or money order made payable to the clerk of court in the amount of \$350 to cover the filing fee in full (in which case the complaint will be screened under 28 U.S.C. § 1915(e)); or

c) advise the court that he wishes to proceed in forma pauperis in this action (in which case he must arrange immediately to submit a trust fund account statement for the period described above).

Further, IT IS ORDERED that if, by February 13, 2008, petitioner advises the court that he chooses option c, he may have until February 26, 2008, in which to submit his trust

fund account statement.

Finally, IT IS ORDERED that if petitioner fails to respond to this order, or chooses option c and then fails to submit a trust fund account statement within the time allowed, 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 4th day of February, 2008.

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