

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

---

DARNELL WESLY MOON,

Petitioner,

v.

COMMISSIONER OF INTERNAL REVENUE  
SERVICE and  
CRIMINAL INVESTIGATION DIVISION OF IRS,

Respondents.

---

ORDER

09-cv-130-slc

This case was transferred to this venue from the Western District of Missouri by order of the Hon. Greg Kays dated February 20, 2009. Petitioner, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has requested leave to proceed *in forma pauperis* and has paid the initial partial filing fee. However, because petitioner is a prisoner, this court is required under the 1996 Prison Litigation Reform Act to screen his complaint and dismiss any claims that are legally frivolous, malicious, fail to state a claim on which relief may be granted or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). The court will consider at screening petitioner's motions for transfer and for appointment of counsel, Dkt. ##13, 14.

Accordingly, IT IS ORDERED that petitioner's complaint is taken under advisement. As soon as the court's calendar permits, petitioner's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Petitioner will be notified

promptly when such a decision has been made.

Entered this 12<sup>th</sup> day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge