

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

SHONDELL T. BUCHANAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

09-cv-163-slc

Petitioner Shondell Buchanan, a prisoner at the United States Penitentiary in Florence, Colorado, has filed a pleading styled as a petition for writ of error coram nobis pursuant to 28 U.S.C. § 1651. I construe the petition to include a request for leave to proceed *in forma pauperis* because petitioner has not submitted the \$350 fee for filing this civil action.

Because he is a prisoner, petitioner is subject to the 1996 Prison Litigation Reform Act. The act requires that before the court can consider whether petitioner may be granted leave to proceed *in forma pauperis*, he must submit a certified copy of his trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of his complaint. The certified copy of the trust fund account statement must be obtained from the appropriate official of each prison or jail at which the prisoner is or was confined over the six-month period. Once the statement is submitted to the court, the court must calculate an initial partial payment of the \$350 filing fee and require the prisoner to pay the sum assessed before it may review the prisoner's complaint further. Petitioner's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his pleading.

Petitioner's pleading was submitted on March 16, 2009. His trust fund account statement should cover the six-month period beginning approximately September 15, 2008 and

ending approximately March 16, 2009. 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 April 15, 2009, in which to submit a trust fund account statement for the period beginning September 15, 2008 and ending March 16, 2009. If, by April 15, 2009, 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 24th day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge