

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

ARMANDO RODRIGUEZ,,

Petitioner,

v.

JUDY SMITH, Warden
Oshkosh Correctional Institution,,

Respondent.

ORDER

10-cv-355-bbc

In an order entered November 24, 2010, I granted petitioner's request to proceed in forma pauperis on appeal and, after examining his trust fund account statement, assessed him an initial partial payment of \$0.84, which petitioner was directed to pay no later than December 15, 2010. Now, petitioner has submitted a letter dated December 12, 2010, in which he states that he asked the Department of Corrections to send a money order in the amount of \$0.84 to the clerk of court. In addition, he asks for appointment of counsel to represent him on appeal.

To date, the court has not received petitioner's \$0.84 payment. Because petitioner has indicated that he has begun the process of having the initial partial appeal fee sent to the court, on the court's own motion I will grant petitioner an enlargement of time until January

14, 2011, in which to pay the assessed amount.

Petitioner's motion for appointment of counsel is not properly addressed to this court. If he believes he qualifies for appointed counsel, he should file his motion and supporting papers in the Court of Appeals for the Seventh Circuit.

ORDER

IT IS ORDERED that petitioner Armando Rodriguez may have an enlargement of time to January 14, 2011, in which to submit a check or money order made payable to the clerk of court in the amount of \$0.84. If, by January 14, 2011, petitioner fails to pay the assessed amount or show cause for his failure to do so, I will notify the court of appeals of his non-compliance so that it may take whatever action it deems appropriate with respect to petitioner's appeal.

Further, IT IS ORDERED that petitioner's motion for appointment of counsel on appeal is DENIED because this court is without authority to make such an appointment.

Entered this 29th day of December, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge