

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

GREGORY ALLEN BAHR,

Plaintiff,

v.

THOMAS LEE ERICKSON,

Defendant.

ORDER

10-cv-377-bbc

Plaintiff Gregory Allen Bahr, a prisoner at the Winnebago County jail in Oshkosh, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until plaintiff makes an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Plaintiff's complaint was submitted on July 7, 2010. His trust fund account statement should cover the six-month period beginning approximately February 5, 2010 and ending approximately July 7, 2010. Although plaintiff does not indicate when he began his incarceration at the Winnebago County jail, it appears from his complaint that he was not

incarcerated on May 19, 2010, when the incident with the defendant took place. Under 28 U.S.C. § 1915(a)(2) plaintiff is required to obtain a trust fund account statement “from the appropriate official of each prison at which [he] is or was confined” during the relevant period. If plaintiff was incarcerated in any other jails or correctional institutions between February 5, 2010 and July 7, 2010, he will need to write to those institutions to request certified copies of his trust fund account statement for the appropriate period. Additionally, plaintiff will need to provide a statement from the time of his incarceration in Winnebago county jail, until July 7, 2010. Once plaintiff has submitted the necessary statements, 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 § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff Gregory Allen Bahr may have until July 30, 2010, in which to submit a trust fund account statement or a written statement regarding his custodial status for the period beginning for the period beginning February 5, 2010 and ending July 7, 2010. If, by July 30, 2010, plaintiff 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 plaintiff's filing his case at a later date.

Entered this 12th day of July, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge