

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

BOBBIE TORRY,

Plaintiff,

v.

SEAN SALTER, Administrative Captain,
MARY LEISER, Advocate and
GREGORY GRAMS, Warden,

Defendants.

ORDER

10-cv-378-slc

In an ordered entered on October 29, 2010, I denied plaintiff's request to use release account funds to pay the remaining \$246.37 balance towards the fee for filing this case. Now plaintiff has submitted a renewed motion to use his release account funds because he says that the inmate accounts staff will allow him to use his release funds if they receive an order from the court.

As plaintiff previously was told, with the exception of initial partial payments, this court does not have the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from his release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). The use of release account funds is governed by state law. *See* Wis. Admin. Code § 309.466. According to § 309.466(2), "[r]elease account funds may not be disbursed for any reason until the inmate is released to field supervision, except to purchase adequate clothing for release and for out-of-state release transportation." Further, nothing in the fee collection provision of 28 U.S.C. § 1915 can be read as requiring the state to allow a prisoner to pay off the balance of a federal court filing fee from money carried over several months in his release account. Therefore, although I appreciate the initiative plaintiff has shown to pay his remaining balance promptly, his request for an order allowing him to use his release account for payments other than the initial partial payment will be denied.

ORDER

IT IS ORDERED that plaintiff Bobby Torry's renewed request to use his release account to pay the remaining filing fee in this case, dkt. 8, is DENIED.

Entered this 9th day of December, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge