

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

RAYMOND COLLINS,

Plaintiff,

v.

Warden, PETER HUIBREGTSE,

Defendant.

ORDER

10-cv-401-slc

This case was closed on August 25, 2010, when plaintiff failed to submit a trust fund account statement for the purpose of allowing the court to determine whether he qualified to proceed *in forma pauperis*. Now plaintiff has filed a motion to “Invoke Sovereign Immunity against 28 U.S.C. § 1915(e)(2) and the 1996 Prison Litigation Reform Act.” I construe plaintiff’s motion as a request to reopen the case. The motion will be denied.

At the time plaintiff filed his complaint, he requested leave to proceed *in forma pauperis*. This court explained to plaintiff in orders entered on July 19, 2010 and August 6, 2010 that because he is incarcerated at the Wisconsin Secure Program Facility, he is subject to the 1996 Prison Litigation Reform Act and the requirements of 28 U.S.C. § 1915(a)(2) which state that

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeals, obtained from the appropriate official of each prison at which the prisoner is or was confined.

This court has no authority to waive the statutory requirements of § 1915. If plaintiff wants this court to reopen his case, then he either needs to pay the \$350 filing fee or he needs to submit

the necessary trust fund account statement for the six-month period preceding the filing of his complaint. Until plaintiff does one of these two things, his case will remain closed.

ORDER

IT IS ORDERED that plaintiff's motion to reopen the case, dkt. #11, is DENIED.

Entered this 4th day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge