

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

IVAN MITCHELL,

Petitioner,

v.

MICHAEL THURMER, Warden,
Columbia Correctional Institution,

Respondent.

ORDER

10-cv-446-bbc

As directed in this court's order of March 18, 2011, petitioner Ivan Mitchell has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed as an initial partial payment of the fee for filing his appeal.

From petitioner's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess petitioner an initial partial payment of the \$455 fee for filing his appeal in the amount of \$143.42.

If plaintiff does not have the money to make the initial partial appeal payment in his

regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. The only amount plaintiff must pay at this time is the \$143.42 initial partial appeal payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial appeal payment to this court.

ORDER

IT IS ORDERED that petitioner Ivan Mitchell's request for leave to proceed in forma pauperis on appeal is GRANTED. Petitioner may have until April 13, 2011, in which to submit a check or money order made payable to the clerk of court in the amount of \$143.42. If, by April 13, 2011, petitioner fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect petitioner's obligation to pay the \$143.42 initial partial payment and the remainder

of the \$455 fee in monthly installments.

Entered this 24th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge