

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

JOHN RYAN GILLITZER,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS
and PAUL HASENSTAB,

Defendants.

ORDER

10-cv-749-bbc

Plaintiff John Gillitzer, a prisoner at the Dodge Correctional Institution in Waupun, 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 November 25, 2010. His trust fund account statement should cover the six-month period beginning approximately May 24, 2010 and ending approximately November 25, 2010. I am aware from plaintiff's complaint that he

was previously being held at the Jefferson County jail. Under 28 U.S.C. § 1915(a)(2), when a prisoner is incarcerated at one or more institutions during the six-month period immediately preceding the filing of his lawsuit, he must obtain a trust fund account statement “from the appropriate official of each prison at which [he] is or was confined” during the relevant period. Therefore, if plaintiff was incarcerated at the Jefferson County jail or any other institution between May 24, 2010 and November 25, 2010, he will have to write to that institution, to request a certified copy of his trust fund account statement for the relevant period. 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 may have until December 30, 2010, in which to submit a trust fund account statement for the period beginning May 24, 2010 and ending November 25, 2010. If, by December 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 1st day of December, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge