

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

ANTOINE LAVELLE JEFFERSON,

Plaintiff,

v.

SHERIFF DAVE MAHONEY, LT. BAHLER,
LT. RAUCH, CORRECT CARE SOLUTION,
and MUNICIPALITY OF DANE COUNTY,

Defendants.

ORDER

10-cv-775-slc

In an order entered on December 30, 2010, I assessed plaintiff Antoine Jefferson an initial partial payment of the filing fee in the amount of \$8.85 and gave him until January 21, 2011, in which to submit his payment. Now plaintiff has filed a motion dated January 18, 2011, asking the court to extend the payment deadline in the hope that he will soon receive another deposit to his account. I will grant plaintiff's request and extend the deadline for him to make his payment to February 18, 2011. I note, that in *Walker v. O'Brien*, 216 F.3d at 628, the court of appeals held that initial partial payments are to "come off the top" of all deposits to a prisoner's account. That means that the initial partial payment assessed in this order is to be given priority over debts and obligation plaintiff might owe. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff's motion for an extension of time to pay the initial partial filing fee is GRANTED. Plaintiff may have until February 18, 2011, to submit a check or money order made payable to the clerk of court in the amount of \$8.85. If, by February 18, 2011,

plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 30th day of January, 201.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge