

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

DOMINIQUE TRAEMAIN GULLEY,

Plaintiff,

v.

ORDER

11-cv-227-wmc

MICHAEL DIAMOND AUSTIN
and DWAYNE DEON DODD
a/k/a LEE CURTIS THOMPSON,

Defendants.

DOMINIQUE TRAEMAIN GULLEY,

Plaintiff,

v.

11-cv-250-wmc

SYLVIA ANNAH GRIFFIN
and TAMIKA MONIQUE GULLEY,

Defendants.

In an order entered in these cases on April 6, 2011, I assessed plaintiff Dominique Gulley an initial partial payment in the amount of \$0.21 for each case and gave him until April 29, 2011, in which to submit his payments. Now plaintiff has filed a letter dated April 11, 2011 in which he asks the court to waive the initial partial payments because he has no money in his regular or release accounts. In addition, plaintiff has included with his letter a trust fund account statement for March, 2011 showing that he has a zero balance in his account.

Unfortunately for plaintiff, in 28 U.S.C. § 1915, Congress has dictated the method by which prisoners must pay the fees for filing federal lawsuits and appeals. Because plaintiff is a prisoner, this court has no power to modify this method. In calculating the amount of plaintiff's initial partial payments in these cases, I used the trust fund account statement he submitted in support of his request to proceed *in forma pauperis*. This statement showed that for the six-month period immediately preceding the filing of the complaints in these cases, plaintiff had two

deposits to his account totaling \$6.40. Because this court is bound by the provisions of the Prison Litigation Reform Act and because it is clear plaintiff's initial partial payment was calculated correctly pursuant to these provisions, his motion for the court to waive his partial payments of the \$350 filing fee in each case will be denied.

Under the circumstances of this case, I will extend the deadline until May 16, 2011 for plaintiff to pay the initial partial payments he owes. It may well be that plaintiff will be unable to make the initial partial payments by the May 16, 2011 deadline. However, if, at some future time, plaintiff is able to make the initial partial payment or enough time elapses that his trust fund account statement would show that he has had no income for a full six-month period, he would be free to refile his lawsuits.

ORDER

IT IS ORDERED that

1. Plaintiff's motions for the court to waive the filing fee in case nos. 11-cv-227-wmc and 11-cv-250-wmc are DENIED.
2. Plaintiff may have an enlargement of time to May 16, 2011, in which to submit a check or money order payable to the clerk of court in the amount of \$0.21 in case no. 11-cv-227-wmc.
3. Plaintiff may have an enlargement of time to May 16, 2011, in which to submit a check or money order payable to the clerk of court in the amount of \$0.21 in case no. 11-cv-250-wmc.
4. If by May 16, 2011, plaintiff fails to make the initial partial payments or show cause for his failure to do so, he will be held to have withdrawn these actions voluntarily. In that event, the clerk of court is directed to close the files without prejudice to plaintiff's filing his cases at a later date.

Entered this 19th day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge