

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

TERRENCE BUCHANAN,

Plaintiff,

v.

SHERIFF DEPUTY KEITH KELLY,

Defendant.

ORDER

11-cv-238-slc

In response to this court's April 4, 2011, order, plaintiff has submitted a copy of his inmate account statement so that I can determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350 fee for filing this case. From this statement, I conclude that plaintiff has the means to prepay a portion of the filing fee in the amount of \$9.86. Plaintiff is reminded that this is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After he sends in the payment, the court will review his complaint to decide whether to grant plaintiff leave to proceed on it. Leave will not be granted if the action must be dismissed as malicious or legally "frivolous," a term that means that the complaint does not allege a claim of any kind. Leave can be denied also if the complaint does not state a claim on which plaintiff could obtain relief under the law or if plaintiff is asking for money from a defendant who is legally protected from having to pay money in his case. Plaintiff should show a copy of this order to jail officials to make sure they know they should send plaintiff's partial filing fee to this court.

ORDER

IT IS ORDERED that plaintiff Terrence Buchanan is assessed \$9.86 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made

payable to the clerk of court in the amount of \$9.86 on or before May 12, 2011. If, by May 12, 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plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 21st day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge