

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

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JEFFREY D. LEISER,

Plaintiff,

v.

BELINDA SCHRUBBE, R.N., *et al.*,

Defendants.

ORDER

11-cv-254-slc

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Plaintiff Jeffrey Leiser an inmate at the Stanley Correctional Institution has filed a motion for a court order allowing plaintiff to use funds from his release account to pay for photocopies and other expenses associated with prosecuting his lawsuit. Unfortunately for plaintiff, the use of release account funds is governed by state law. *See* Wis. Admin. Code § DOC 309.466. According to § 309.466(2), “[p]rior to release, the department may authorize the disbursement of release account funds for purposes that will aid the inmate’s reintegration into the community or that will reimburse the department for incarceration costs, including legal loans and restitution.” The only exception is that release funds can used to pay an initial partial filing fee under the 1996 Prison Litigation Reform Act. With that exception, this court does not have the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from his release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005) Because plaintiff cannot use his release account funds in the manner that he requests, his motion will be denied.

ORDER

IT IS ORDERED that plaintiff Jeffrey Leiser’s motion to use release account funds, dkt. 66, is DENIED.

Entered this 18<sup>th</sup> day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge