

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

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ZURICH SIMMONS,

Plaintiff,

v.

BRIAN BARTOW, DR. THOMAS MICKLOWSKI  
and DR. JOSE ALBA,

Defendants.

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ORDER

11-cv-340-bbc

Plaintiff Zurich Simmons, an prisoner at the Wisconsin Resource Center in Winnebago, Wisconsin, has submitted a proposed complaint. He asks for leave to proceed in forma pauperis. Because plaintiff is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint in forma pauperis, plaintiff will have to make an initial partial payment of the filing fee. From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$160.34. Also, he must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. If plaintiff does not

have the money to make the initial partial payment in his regular account, he will have to arrange with the Wisconsin Resource Center to pay some or all of the assessment from his release account. This does not mean that plaintiff is free to ask the institution authorities to pay *all* of his filing fee from his release account. The only amount plaintiff must pay at this time is the \$160.34 initial partial payment. Before the institution officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a copy of this order to Wisconsin Resource Center officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

#### ORDER

IT IS ORDERED that plaintiff Zurich Simmons is assessed \$160.34 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 \$160.34 on or before June 9, 2011. If, by June 9, 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plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 19th day of May, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge