

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

HAKIM NASEER,

Plaintiff,

v.

ICE KELLY TRUMM, TIM HAINES,
HSU Supervisor MARY MILLER and
UNKNOWN MAINTENANCE DEPARTMENT
PERSONNEL,

Defendants.

ORDER

11-cv-004-bbc

In response to an order entered in this case on February 10, 2011, plaintiff Hakim Naseer has submitted a trust fund account statement covering the six-month period immediately preceding the filing of the complaint. In determining whether a prisoner litigant qualifies for indigent status, this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner requesting leave to proceed in forma pauperis must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to his prison account in the six-month period immediately preceding the filing of the complaint.

In this case, 20% of the average monthly deposits made to plaintiff's account is \$0.15, but 20% of the average monthly balance in his account is \$0.25. Because the greater of the two amounts is 20% of the average monthly balance, or \$0.25, that is the amount plaintiff

will be assessed as an initial partial payment of the filing fee. If plaintiff does not have the money in his regular account to make the initial partial payment, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount he must pay at this time is the \$0.25 initial partial payment. Before prison 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 he owes. 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 Hakim Naseer is assessed \$0.25 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 \$0.25 on or before April 19, 2011.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$0.25 initial partial payment and the remainder of the \$350 fee in monthly installments.

Entered this 29th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge