

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

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EDWARD D. SWANK,

Petitioner,

v.

THE PEOPLE OF THE STATE  
OF WISCONSIN,

Respondent.  
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ORDER

11-cv-41-bbc

Petitioner has responded to this court's February 14, 2011 order assessing him a \$2.43 initial partial payment of the \$5 fee for filing this action. In his letter, petitioner says that he has a negative account balance resulting from the high costs of treating his pre-existing medical conditions and his recent diagnosis of prostate cancer. Although petitioner does not ask the court to take any action with regard to his current lack of funds, it is possible he will be able to make the payment with an extension of the deadline. Therefore, I will construe petitioner's response to include a request for extension of time and extend his deadline to pay the \$2.43 initial partial payment until April 14, 2011.

Although I have given petitioner additional time to submit his payment, it may well

be that he will be unable to pay the initial partial payment by the April 14 deadline. However, if, at some future time, petitioner is able to make the initial partial payment or enough time elapses that a six-month trust fund account statement would show that he has had no income for a full six-month period, he would be free to refile this lawsuit.

#### ORDER

IT IS ORDERED that petitioner may have an enlargement of time to April 14, 2011, in which to submit a check or money order payable to the clerk of court in the amount of \$2.43. If, by April 14, 2011, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 petitioner's filing his case at a later date.

Entered this 18th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge