

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

-----  
WILLIE C. SIMPSON,

Plaintiff,

v.

M.S. OLSON and GARY H. HAMBLIN,

Defendants.  
-----

ORDER

11-cv-606-bbc

This case was closed when plaintiff Willie Simpson failed to pay the \$0.82 initial partial payment of the \$350 fee for filing this case. In the October 14, 2011 order denying plaintiff's motion to waive the initial partial filing fee in this case, I advised him that if, at some future time, enough time elapsed that a six-month trust fund account statement would show that he has no means to make an initial partial payment, he would be free to file a motion to reopen this case. Now plaintiff has filed a copy of his original complaint, which he has dated November 27, 2011, along with a motion for leave to proceed in forma pauperis. I will construe plaintiff's submissions as a motion to reopen the case. The motion will be granted.

The court will delay its decision on plaintiff's request to proceed in forma pauperis

until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. The court cannot yet calculate plaintiff's initial partial payment because he did not submit a trust fund account statement with his complaint.

Plaintiff filed his motion to reopen the case on November 27, 2011. His trust fund account statement should cover the six-month period beginning near May 27, 2011 and ending around November 27, 2011. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to jail officials to make sure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

## ORDER

IT IS ORDERED that

1. Plaintiff Willie Simpson's motion to reopen the case, dkt. #15, is GRANTED.
2. Plaintiff may have until December 27, 2011, in which to submit a certified copy of his trust fund account statement for the period beginning approximately May 27, 2011 and ending approximately November 27, 2011. If, by December 27, 2011 plaintiff fails to

respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 5th day of December, 2011.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge