

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

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GARY A. SMITH,

Plaintiff,

v.

SHERIFF ROBERT SPODEN,

Defendant.

ORDER

11-cv-692-wmc

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Plaintiff Gary Smith, an inmate at the Rock County Jail in Janesville, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff submits an inmate account statement for the six-month period immediately preceding the filing of the complaint as required by 28 U.S.C. § 1915(a)(2) and the 1996 Prison Litigation Reform Act.

Plaintiff's complaint was filed on September 30, 2011. His inmate account statement should cover the six-month period beginning approximately April 1, 2011 and ending approximately October 1, 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 insure that they are aware they should send a copy of plaintiff's six-month inmate account statement to this court.

## ORDER

IT IS ORDERED that plaintiff Gary Smith may have until November 1, 2011, in which to submit a copy of his inmate account statement for the period beginning approximately April 1, 2011 and ending approximately October 1, 2011. If, by November 1<sup>st</sup>, 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 11<sup>th</sup> day of October, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge