

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

WILLIE C. SIMPSON,

Plaintiff,

v.

GOV. SCOTT WALKER, GARY H. HAMBLIN,
M.S. OLSEN, T. LE BRECK, and W. BURNS,

Defendants.

ORDER

11-cv-838-bbc

This case was re-opened on January 10, 2013, after I granted plaintiff Willie Simpson's motion to alter or amend judgment under Fed. R. Civ. P. 59. In the January 10 order I allowed plaintiff to submit summary judgment materials by February 7, 2013. After more than a month had passed and plaintiff did not respond to the order, summary judgment was granted in favor of the defendants on April 1, 2013. Judgment was entered the same day. Now plaintiff has filed a notice of appeal along with a request to proceed in forma pauperis on appeal.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him and I do not intend to certify that his appeal is not taken in good

faith.

The only other hurdle to proceeding on the appeal in forma pauperis is the requirement that plaintiff make an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Plaintiff has not submitted the necessary trust fund account statement. Until he does so, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that plaintiff Willie Simpson may have until April 26, 2013, in which to submit a certified copy of his trust fund account statement for the six-month period from approximately October 3, 2012 to approximately April 3, 2013. If, by April 26, 2013, plaintiff fails to submit the required trust account statement or show cause for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 9th day of April, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge