

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

JASON K. JORDAN,

Petitioner,

ORDER

v.

12-cv-170-bbc

BYRAN BARTOW, Director,
Wisconsin Resource Center,

Respondent.

In response to this court's March 12, 2012, order, petitioner Jason Jordan has submitted a certified copy of his six-month trust fund account statement so that I can determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$5 fee for filing this case.

In determining whether to allow a prisoner to proceed *in forma pauperis*, this court uses the following formula. First, the court determines petitioner's average monthly deposits and his average monthly balances for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, the petitioner is not eligible for indigent status and will have to prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, he will be required to prepay whatever portion less than \$5 has been calculated.

Applying this formula to petitioner, I find that he is able to pay the filing fee. According to the trust account statement, in the past six months, the average monthly balance in his account is \$198.04. Twenty percent of this figure is \$39.61. Accordingly, I will deny petitioner's application for leave to proceed *in forma pauperis*. To proceed further on his habeas petition, petitioner must pay the \$5 filing fee. If petitioner does not have the money to make the filing fee in his regular account, he will have to arrange with prison

authorities to pay some or all of the assessment from his release account. Before prison officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes. Petitioner should show a copy of this order to prison officials to insure that they are aware they should send his \$5 filing fee to this court. If petitioner fails to pay the fee by May 21, 2012, his petition will be dismissed for his failure to prosecute it.

ORDER

IT IS ORDERED that the petition of Jason Jordan for leave to *proceed in forma pauperis* is DENIED. Petitioner has until May 21, 2012 in which to pay the \$5 filing fee. If he fails to submit the fee by May 21, 2012, his petition will be dismissed for failure to prosecute it.

Entered this 1st day of May, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge