

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

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TROY MICHAEL KRATZ,

Plaintiff,

ORDER

v.

DOCTOR BURTON COX,

10-cv-630-wmc

Defendant.

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Judgment was entered on August 27, 2012, granting defendant's motion for summary and closing this case. Now plaintiff Troy Kratz has filed a motion asking the court to issue an order allowing plaintiff to use funds from his release account to pay down the balance of the filing fee owed to the court. *See* dkt. 52. The request will be denied.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the \$350 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income, in accordance with 28 U.S.C. § 1915(b)(2). On October 26, 2010, this court entered an order assessing plaintiff a \$3.29 initial partial payment of the filing fee for this case, which plaintiff paid on November 9, 2010.

Although it is good to know that plaintiff takes his obligation to pay the remainder of the filing fee seriously, I cannot order the state to allocate plaintiff's release account funds in the manner he requests. The language of 28 U.S.C. § 1915(b)(1) suggests that prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). However, with the exception of such initial partial payments, this court does not have the authority to tell state

officials whether, and to what extent, a prisoner should be able to withdraw money from his release account. Because plaintiff cannot use his release account funds to pay the remaining balance of the \$350 filing fee, I will deny his motion.

ORDER

IT IS ORDERED that plaintiff Troy Kratz's motion to use release account funds to pay the filing fee, dkt. #52, is DENIED.

Entered this 17<sup>th</sup> day of December, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge