

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

CHASE BORUCH,

Plaintiff,

v.

NEVIN WEBSTER,

Defendant.

ORDER

12-cv-873-wmc

Plaintiff Chase Boruch, a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin has submitted a proposed complaint and motion for temporary restraining order against his institution's law librarian. He says in his cover letter that he has also filed these documents in Dane County Circuit Court. Plaintiff has neither paid the \$350 filing fee for filing a civil action nor submitted a request for leave to proceed *in forma pauperis*. Therefore, I construe plaintiff's complaint to include a request for leave to proceed *in forma pauperis*. The court will delay its decision on the request 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.

From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$17.85. If plaintiff does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount plaintiff must pay at this time is the \$17.85 initial partial payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a

copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Chase Boruch is assessed \$17.85 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$17.85 on or before January 3, 2013. If, by January 3, 2013, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 11th day of December, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge