

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

JESSIE RIVERA,

Plaintiff,

v.

US DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS,

Defendant.

ORDER

13-cv-56-wmc

Plaintiff Jessie Rivera, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has submitted a proposed complaint. Plaintiff asks for leave to proceed *in forma pauperis*. Because he is a prisoner, plaintiff is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint *in forma pauperis*, he will have to make an initial partial payment of the filing fee.

From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$31.68. Plaintiff is reminded that paying the amount I have determined he is able to prepay is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives plaintiff's payment, his complaint will be taken under advisement for a determination under § 1915(e)(2) whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief. Plaintiff should show a copy of this order to prison officials to insure that they know that they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Jessie Rivera is assessed \$31.68 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 \$31.68 on or before February 15, 2013. If, by February 15, 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plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 25th day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge