

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KEVIN JOSEPH WASHINGTON, JR.,

Plaintiff,

v.

Case No. 23-C-617

JAMES STEVEN KRAUS,

Defendant.

DECISION AND ORDER

Plaintiff Kevin Joseph Washington, Jr., is a prisoner confined at Columbia Correctional Institution who is representing himself in this 42 U.S.C. §1983 case. On May 16, 2023, along with his complaint, Washington filed a motion for leave to proceed without prepaying the filing fee. That same day, the clerk's office mailed Washington a letter informing him that he had to return, within twenty-one days, a certified copy of his trust account statement for the six months preceding the filing of his complaint. Dkt. No. 3. The letter warned Washington that, "Failure to comply . . . may result in the Court's dismissal of your case without further notice." *Id.* On June 7, 2023, at Washington's request, the Court extended the deadline to submit his trust account statement to July 7, 2023. Dkt. No. 5. The Court again warned Washington that his failure to timely file the statement or explain why he could not timely file the statement would result in the dismissal of his case.

The extended deadline has passed, and the Court has not received Washington's trust account statement, nor has Washington informed the Court of any challenges preventing him from arranging the submission of his trust account statement. Under 28 U.S.C. §1915(a)(2), a prisoner

seeking to proceed with a civil action without prepaying the filing fee must submit a certified copy of his institution trust account statement. Because Washington has failed to comply with this requirement, the Court will deny his motion for leave to proceed without prepaying the filing fee and will dismiss this case without prejudice based on his failure to pay the filing fee.

IT IS THEREFORE ORDERED that Washington's motion for leave to proceed without prepaying the filing fee (Dkt. No. 2) is **DENIED** and this case is **DISMISSED without prejudice** based on Washington's failure to pay the filing fee. Washington may refile his complaint, but if he does so, he must pay a new filing fee (or move to proceed without prepaying the filing fee).

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), Washington must pay the \$350 statutory filing fee. Accordingly, the agency having custody of Washington shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from his prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Washington is transferred to another institution, the transferring institution shall forward a copy of this order along with his remaining balance to the receiving institution.

IT IS FURTHER ORDERED that a copy of this order be sent to the officer in charge of the agency where Walker is confined.

Dated at Green Bay, Wisconsin this 14th day of July, 2023.

s/ William C. Griesbach
William C. Griesbach
United States District Judge