

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.	)	
GREGORY SHAW #B33548,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 09 C 3029
	)	USCA No. 09-3307)
DONALD GAETZ,	)	
	)	
Respondent.	)	

MEMORANDUM ORDER

Both footnote 3 to this Court's September 18, 2009 Statement as to Certificate of Appealability and, more recently, this Court's October 19 memorandum order dealt with the fact that petitioner Gregory Shaw ("Shaw") had not yet provided the required documentation to allow this Court to proceed in accordance with 28 U.S.C. §1915 ("Section 1915"). But on the very next day (October 20) the Clerk's Office delivered to this Court's chambers a Judge's Copy of Shaw's newly-received "Motion for Leave To File Motion for Leave To Proceed on Appeal In Forma Pauperis, Instanter," accompanied by Shaw's In Forma Pauperis Application ("Application") and the requisite printout covering the transactions in his trust fund account at Menard Correctional Center ("Menard"), where he is now in custody--see Section 1915(a)(2).<sup>1</sup>

Those submissions have enabled this Court to make the

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<sup>1</sup> That filing by Shaw had obviously crossed in the mails this Court's followup October 19 order.

calculation required by Section 1915(b)(1). With the average monthly deposits to Shaw's account during the six-month period having amounted to \$22.57, the initial partial filing fee payment required by Section 1915(b)(1) comes to \$4.50.

Accordingly Shaw is granted leave to proceed without prepayment of the entire \$455 in appellate filing fees (although he is obligated to pay that amount in future installments), with the first required payment on account of those fees being \$4.50, and the Menard trust fund officer is ordered to collect that amount from Shaw's trust fund account there and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk  
United States District Court  
219 South Dearborn Street  
Chicago IL 60604

Attention: Fiscal Department

Both the initial payment and all future payments shall clearly identify Shaw's name and the 09 C 3029 District Court case number and the 09-3309 Court of Appeals case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this order to the Menard trust fund officer.

After such initial payment, the trust fund officer at any correctional facility where Shaw is now or may hereafter be confined is authorized to collect monthly payments from his trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from

the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$455 in filing fees is paid.



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Milton I. Shadur  
Senior United States District Judge

Date: October 23, 2009