

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

KENDALE McCOY #K-59039,)	
)	
Plaintiff,)	
)	
v.)	No. 12 C 5467
)	
WEXFORD HEALTH SERVICES, INC.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Kendale McCoy ("McCoy") has submitted a lengthy self-prepared 42 U.S.C. §1983 Complaint against Wexford Health Services, Inc. and a number of individuals. McCoy has accompanied the Complaint with an In Forma Pauperis Application ("Application") and a Motion for Appointment of Counsel ("Motion").

Because McCoy is in prison at Stateville Correctional Center ("Stateville"), his in forma pauperis status vel non must be determined in accordance with the special provisions that 28 U.S.C. §1915 ("Section 1915") prescribes for persons in custody. In this instance the six-month printout reflecting transactions in McCoy's Stateville trust fund account (see Section 1915(a)(2)) discloses average monthly deposits of \$208.23, so that Section 1915(b)(1) calls for the installment payment of the full \$350 filing fee, with the initial payment on account being 20% of that figure, or \$41.65. Accordingly the Application is granted to the extent that McCoy need not pay the full \$350 filing fee in

advance, although he must pay the entire fee in current and future installments.

McCoy is therefore assessed that initial partial payment of \$41.65, and the Stateville trust fund officer is ordered to collect that amount from McCoy's trust fund account 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 that initial payment and all future payments called for in this memorandum order shall clearly identify McCoy's name and the 12 C 5467 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this memorandum order to the Stateville trust fund officer.

After such initial payment, the trust fund officer at Stateville (or at any other correctional facility where McCoy may hereafter be confined) is authorized to collect monthly payments from McCoy's 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 \$350 filing fee is paid.

As for the Motion, McCoy has provided the required showing of his unsuccessful efforts to obtain counsel on his own. This

Court accordingly grants the Motion and has obtained the name of the following member of this District Court's trial bar to represent McCoy pro bono publico:

Robert W. Vyverberg, Jr.
Holland & Knight LLC
131 South Dearborn Street
30th Floor
Chicago IL 60603

Lastly, this Court is contemporaneously issuing its customary initial order in cases newly assigned to its calendar. Appointed counsel is expected to arrange for the service of process on defendants.



Milton I. Shadur
Senior United States District Judge

Date: July 18, 2012