

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

TERRENCE MACK (N-95539),)	
)	
Plaintiff,)	
)	
v.)	USCA Case No. 17-2511
)	(District Court Case No. 17 C 3302)
CITY OF CHICAGO , et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

On May 5, 2017 this Court issued a memorandum order (the "Order," Dkt. No. 6) that addressed the recently filed "Complaint Under the Civil Rights Act, Title 42 Section 1983" (the "Complaint") in which Terrence Mack ("Mack") "charge[d] an entire group of defendants with the asserted violation of his constitutional rights (which the first page of his Complaint paragraph IV 'Statement of Claim' refers to as 'an abuse of process' in connection with his conviction of a crime that dates back to 1988 (!!')). After counsel for codefendant City of Chicago filed a confirmation on behalf of all defendants that they would not waive the statute of limitations defense to Mack's filing, this Court issued a brief June 22 memorandum order that denied Mack's Dkt. No. 15 motion for reconsideration of the dismissal of his filing.

Now Mack has taken an appeal and, in connection with that appeal, has filed a Motion for Leave To Appeal In Forma Pauperis (the "IFP Motion," Dkt. No. 10 in Court of Appeals Case No. 17-2511 and Dkt. No. 24 in District Court Case No. 17 C 3302). Although our Court of Appeals may well consider Mack's current appeal to be frivolous in the legal sense because his claim is so clearly time-barred, that issue is for the Court of Appeals to determine. In the

meantime this Court will comply with the Court of Appeals' directive to make the determination called for by 28 U.S.C. § 1915 ("Section 1915").

In that respect the average monthly deposits to Mack's trust fund account at the Dixon Correctional Center ("Dixon," where Mack is in custody) "for the 6-month period immediately preceding the filing of the . . . notice of appeal" (Section 1915(b)(1)) amounted to \$138.60, 20% of which (*id.*) is \$27.72. In those terms Mack would be responsible for payment of the entire \$505 in appellate filing fees on a monthly installment basis, with the initial required payment being \$27.72 and the later payments being made monthly as prescribed in Section 1915(b)(2).



Milton I. Shadur
Senior United States District Judge

Date: August 22, 2017