## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

JASON HUNTER, and JAMES LITTLE	)	
Plaintiff,	)	CIVIL NO. 07-cv-364-MJR
vs.	)	CIVIL NO. 07-CV-304-Migh
THOMAS KNAPP, et al.,	)	
Defendants.	,	

## MEMORANDUM AND ORDER

## **REAGAN, District Judge:**

This matter is before the Court on the motions of Plaintiff Jason Hunter for an order directing the United States Penitentiary located in Terre Haute, Indiana, (USP-Terre Haute) to take funds from his inmate trust fund account to pay the filing fee in this case (Doc. 34) and for an order to freeze the assets of the Defendants (Doc. 44).

This Court granted Plaintiff Hunter leave to proceed *in forma pauperis* in this action (Doc. 18). At that time, Plaintiff Hunter was confined at the St. Clair County Jail and a copy of the Order granting Plaintiff Hunter *in forma pauperis* status was sent to the Warden at the Jail. At some point during this case it appears Plaintiff Hunter was transferred to USP-Terre Haute. At the present time, however, Plaintiff is confined at the United States Penitentiary located in Coleman, Florida, (USP-Coleman). Accordingly, Plaintiff Hunter's motion to direct the prison staff at USP-Terre Haute to take money from his inmate account would be moot. The Court further notes that under 28 U.S.C. § 1915(b)(2) the Federal Bureau of Prisons is directed to send funds from an inmate's account to a federal court when certain conditions exist. From Plaintiff Hunter's motion, it is not clear whether

those conditions are met. Therefore, Plaintiff Hunter's motion for an order directing USP-Terre

Haute to take funds from his inmate account to pay the filing fee in this case (Doc. 34) is **DENIED**.

The Clerk of Court, however, is **DIRECTED** to send a copy of the Court's Order granting

Plaintiff Hunter in forma pauperis status (Doc. 18) to the Warden at USP-Coleman along with a

copy of this Memorandum and Order.

To enable the Bureau of Prisons to remit these payments to the Clerk of Court as required

by 28 U.S.C. § 1915, IT IS FURTHER ORDERED that Plaintiff shall complete, sign and return

one "Consent Form -- In Forma Pauperis Proceedings" to the Clerk of this Court in the envelope

provided, within FIFTEEN (15) DAYS of the date of entry of this order. The Clerk is DIRECTED

to provide two copies of the appropriate form to Plaintiff with his copy of this Order, along with a

pre-addressed return envelope. Failure to provide the Bureau of Prisons with this authorization shall

be grounds for dismissal of this case. FED.R.CIV.P. 41(b); see generally Ladien v. Astrachan, 128

F.3d 1051 (7th Cir. 1997); Johnson v. Kamminga, 34 F.3d 466 (7th Cir. 1994). However, Plaintiff

will still be liable for the full filing fee for this action.

Plaintiff's motion to freeze the assets of the Defendants (Doc. 44) is **DENIED**.

IT IS SO ORDERED.

DATED this 4th day of March, 2009.

s/ Michael J. Reagan

MICHAEL J. REAGAN

**United States District Judge** 

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