

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JARVIS LAMAR POSTLEWAITE,

Plaintiff,

v.

WARDEN TREDWAY, WARDEN MOORE,  
CHAPLIN VAUGHN, COUNSELOR WILLIAMS,  
SALVADOR GODINEZ, WARDEN DUNCAN,  
UNKNOWN DIETARY SUPERVISORS,  
UNKNOWN MAILROOM SUPERVISORS, and  
PHILLIP MARTIN,

Defendants.

No. 14-cv-930-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Jarvis Lamar Postlewaite's "order to show cause for subpoena of trust fund ledger" (Doc. 46). The Court construes this as a response to its November 5, 2015, order directing Postlewaite to submit an inmate trust fund statement showing the activity in his trust fund account for the last six months (Doc. 45). Postlewaite states he was only able to obtain a copy of his trust fund statement for a shorter period. It appears from that statement that Postlewaite has insufficient funds to pay the initial partial filing fee of \$10.07 at this time. In light of his inability to pay, the Court will lift the stay to allow this case to proceed and will not dismiss the case at this time. *See* 28 U.S.C. § 1915(b)(4) ("In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee."). However, it will not vacate Postlewaite's obligation to pay the initial partial filing fee when he is able. It will also continue to require Postlewaite to submit trust fund statements every 90 days for the duration of this case or until he pays the initial partial filing fee in full. Accordingly, the Court:

- **REJECTS** the Report and Recommendation recommending dismissal of this action for failure to pay the initial partial filing fee (Doc. 40);
- **LIFTS** the stay of this action and **EXTENDS** all deadlines that expired during the stay, if any, by 20 days;
- **ORDERS** Postlewaite to provide an updated inmate trust fund statement every 90 days starting on February 5, 2016; and
- **DENIES** Postlewaite's "order to show cause for subpoena of trust fund ledger" (Doc. 46).

**IT IS SO ORDERED.**

**DATED: December 17, 2015**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**