

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
MAR 10 2006
[Signature]
CLERK

WILLIAM LEITH,

CIV. 06-4042

Plaintiff,

vs.

ORDER DETERMINING
IN FORMA PAUPERIS STATUS

BOB DOOLEY, Warden; C/O THOMPSON;
and LT. STEVENS,

Defendants.

It satisfactorily appears from the prison records that the average monthly deposits to plaintiff's prisoner trust account for the past six months was \$27.38, and that his average monthly balance for the past six months was \$6.94. The current balance of his prisoner trust account is \$.54.

The court finds that plaintiff is not required by the Prison Litigation Reform Act, 28 U.S.C. § 1915, to make an initial partial filing fee.

Upon the record,

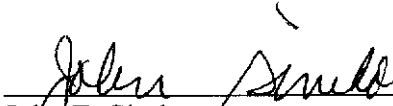
IT IS ORDERED:

1. That plaintiff's motion to proceed in forma pauperis is granted, subject to further review to determine if this action should hereafter be dismissed pursuant to 28 U.S.C. § 1915(e)(2).
2. That the institution having custody of the plaintiff is hereby directed that whenever the amount in plaintiff's trust account exceeds \$10.00, monthly payments that equal 20% of the funds credited the preceding month to the plaintiff's trust account shall

be forwarded to the U.S. District Court Clerk's Office pursuant to 28 U.S.C. §
1915(b)(2), until the filing fee is paid in full.

Dated this 10 day of March, 2006.

BY THE COURT:



John E. Simko
United States Magistrate Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Shelly Margulies, Deputy

(SEAL)