

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICKEY NELSON SWIFT,

Plaintiff,

v.

Case No. 08-C-0592

**STATE OF WISCONSIN, MILWAUKEE COUNTY,
ATTORNEY MICHAEL L. CHERNIN, and
DISTRICT ATTORNEY ERIN DINEEN,**

Defendants.

ORDER

Plaintiff, Rickey Nelson Swift, who is proceeding pro se, lodged a civil rights complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. In an order dated January 14, 2009, I granted plaintiff's motion for leave to proceed in forma pauperis, but dismissed plaintiff's complaint. I gave plaintiff the opportunity to file an amended complaint within 30 days, but instead he filed a notice of voluntary dismissal.

A prisoner who brings a civil action is required to pay the full amount of the \$350 statutory filing fee for an action even though he is proceeding in forma pauperis. 28 U.S.C. § 1915(b)(1). This obligation remains even if the prisoner's case is dismissed. In this case, plaintiff has been assessed and paid an initial partial filing fee of \$41.26. Partial filing fees must be collected until the plaintiff has paid the full filing fee of \$350.00.

IT IS THEREFORE ORDERED that the Secretary of the Wisconsin Department of Corrections or his designee shall collect from the plaintiff's prison trust account the \$308.74 balance of the filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the

prisoner's trust account and forwarding payments to the clerk of the court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action.

IT IS ALSO ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 18 day of February, 2009.

/s _____
LYNN ADELMAN
District Judge