

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

TIMOTHY CROWLEY,

Plaintiff,

Case No. 10-C-1052

-vs-

GREGORY GRAMS,

Defendant.

DECISION AND ORDER

On November 24, 2010, Magistrate Judge Goodstein ordered Timothy Crowley to pay the \$5 filing fee for this habeas action on or before December 27, 2010. The case was then reassigned to the undersigned when Crowley refused jurisdiction before Judge Goodstein. Crowley now requests permission to pay the filing fee out of his release account.

Prisoners in Wisconsin have two types of accounts: a general account (or a trust account) and a release account. Prisons generally restrict access to the release account until a prisoner is released from prison. *Smith v. Huibregtse*, 151 F. Supp. 2d 1040 , 1041 (E.D. Wis. 2001). Federal courts can order prison officials to access funds in a release account, but the authority to do so is premised in the Supremacy Clause by virtue of the Prison Litigation Reform Act ("PLRA"). *Id.* at 1042 (citing *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999)). Crowley's habeas action is not subject to the PLRA. *Walker v. O'Brien*, 216 F.3d 626, 634 (7th Cir. 2000); *Moran v. Sondalle*, 218 F.3d 647, 650 (7th Cir. 2000).

IT IS HEREBY ORDERED THAT Crowley's motion to pay the filing fee from his release account [D. 7] is **DENIED**. Upon receipt of the filing fee, the Court will screen the petition in accordance with Rule 4 of the Rules Governing Section 2254 Cases. **Failure to pay the \$5 filing fee by January 14, 2011 will result in this petition being dismissed.**

Dated at Milwaukee, Wisconsin, this 14th day of December, 2010.

SO ORDERED,

s/ Rudolph T. Randa

HON. RUDOLPH T. RANDA
U.S. District Judge