

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

STEVEN DIONNE SCOTT,
Plaintiff,

v.

Case No. 15-CV-133

RANDSTAD US and SPHERION STAFFING LLC,
Defendants,

DECISION AND ORDER

On March 7, 2015, I ordered plaintiff to forward \$9.69 to the Clerk of Court on or before March 28, 2015, as an initial partial filing fee in this action. See 28 U.S.C § 1915(b). Plaintiff must pay the initial partial filing before I decide whether he may proceed in forma pauperis and screen his complaint under 28 U.S.C. § 1915(e). To date, plaintiff has not paid the initial partial filing fee. From this failure to pay the initial filing fee, I infer that plaintiff no longer wants to prosecute this action.

However, before dismissing this case for failure to pay the initial fee, I must determine whether the prisoner is at fault for the non-payment. See Thomas v. Butts, 745 F.3d 309, 312-13 (7th Cir. 2014). A court may not dismiss the suit of a prisoner who has a lack of funds in the account. Id. at 312; see also § 1915(b)(4) (“In no event shall a prisoner be prohibited from bringing a civil action . . . for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.”). “But if the court finds that the prisoner is unable to pay the partial filing fee at the time of collection because he intentionally depleted his account to avoid payment, the court in its sound discretion may dismiss the action.” Thomas, 745 F.3d at 312 (citations and internal quotation omitted).

THEREFORE, IT IS ORDERED that plaintiff shall show cause why this case should not be dismissed for nonpayment of the initial partial filing fee.

IT IS FURTHER ORDERED that on or before **Friday, May 8, 2015**, plaintiff shall provide the court with information regarding why the initial partial filing fee has not been paid.

IT IS ALSO ORDERED that a copy of this order be sent to the warden of the institution where the inmate is confined.

Dated at Milwaukee, Wisconsin, this 16th day of April, 2015.

s/ Lynn Adelman

LYNN ADELMAN
District Judge