

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ORLANDO LARRY,

Plaintiff,

v.

Case No. 16-cv-1108-pp  
Appeal No. 19-1563

RUSSELL GOLDSMITH, *et al.*,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO PAY  
INITIAL PARTIAL FILING FEE ON APPEAL**

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On June 11, 2019, the court granted the plaintiff's motion to proceed with his appeal without prepaying the filing fee. Dkt. No. 97. In order to proceed, the plaintiff must pay an initial partial filing fee. Based on the certified copy of his prison trust account statement for the six-month period immediately preceding the filing of his notice of appeal, the plaintiff is required to pay an initial partial filing fee of \$38.33, as well as additional payments under to 28 U.S.C. §1915(b)(2) as explained below. Newlin v. Helman, 123 F.3d 429, 434 (7th Cir. 1997), rev'd on other grounds by, Walker v. O'Brien, 216 F.3d 626 (7th Cir. 2000) and Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000). The plaintiff must pay the initial partial filing fee within 21 days.

The court **ORDERS** that by the end of the day on **July 19, 2019**, the plaintiff must pay the sum of \$38.33 as the initial partial filing fee in this appeal. The plaintiff's failure to pay the initial partial filing fee may result in dismissal of his appeal. The payment should be sent to Clerk of Court, Eastern District of Wisconsin, 517 E. Wisconsin Ave., Rm. 362, Milwaukee, Wisconsin,


53202 and should be clearly identified by the case name and number(s) assigned to this case.

The court also **ORDERS** that after the initial filing fee has been paid, the agency having custody of the plaintiff shall collect from his institution trust account the \$466.67 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 plaintiff's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments must be clearly identified by the case name and number assigned to this case. If the plaintiff is transferred to another county, state, or federal institution, the transferring institution shall forward a copy of this order along with the plaintiff's remaining balance to the receiving institution.

The court will send a copy of this order to Gilmer Federal Correctional Institution, where the plaintiff is confined and to PLRA Attorney, United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Rm. 2722, Chicago, Illinois 60604.

Dated in Milwaukee, Wisconsin this 17th day of June, 2019.

**BY THE COURT:**

  
**HON. PAMELA PEPPER**  
**United States District Court Judge**