

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JEFFREY HARRIS,

Petitioner/Appellant

v.

Case No. 17-cv-663-pp
Appeal No. 18-1754

JUDY SMITH, Warden,
Oshkosh Correctional Institution,

Respondent/Appellee.

**ORDER GRANTING THE PETITIONER'S MOTION FOR LEAVE TO APPEAL
WITHOUT PREPAYMENT OF THE FILING FEE (DKT. NO. 30)**

On April 9, 2018, the petitioner/appellant filed a motion for leave to appeal without prepayment of the filing fee. Dkt. No. 30. On April 17, 2018, he filed a second motion for the same relief. Dkt. No. 38. On May 14, 2018, the court issued an order informing the petitioner/appellant that before it could determine whether to grant his motion to appeal without prepaying the filing fee, he needed to file his trust account statement for the period from October 1, 2017 through March 31, 2018. Dkt. No. 39. On May 23, 2018, the petitioner filed his trust account statement covering the time period requested. Dkt. No. 40. The court has reviewed that statement, and finds that the petitioner has established that he is indigent.

The court will require the petitioner to pay an initial partial filing fee of **\$20.71**, as well as additional payments under 28 U.S.C. §1915(b)(2). After he pays the initial partial filing fee, the petitioner must make monthly payments of twenty percent of the preceding month's income until the filing fee is paid in

full. 28 U.S.C. §1915(b)(2). The agency that has custody of the petitioner will collect the money and send payments to the court. No payment is required in months when the prisoner's preceding month's income is \$10.00 or less. Id.

The court **GRANTS** the petitioner's motion for leave to appeal without prepayment of the filing fee. Dkt. No. 30.

The court **DENIES AS MOOT** the petitioner's second motion for leave to appeal without prepayment of the filing fee. Dkt. No. 38.

The court **ORDERS** that the petitioner shall forward to the Clerk of Court **\$20.71** as the initial partial filing fee. The court **ORDERS** that the petitioner must send the money in time for the clerk to receive it by the end of the day on **July 6, 2018**. If the clerk does not receive that payment by the end of the day on July 6, 2018, the court of appeals may dismiss his appeal. The petitioner shall clearly identify the payment by the district court case number (17-cv-663) and the court of appeals case number (18-1754).

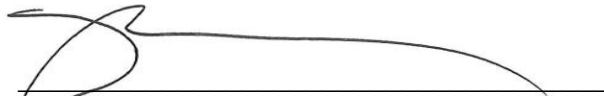
The court further **ORDERS** that, after the petitioner pays the initial filing fee, the Secretary of the Wisconsin Department of Corrections or his designee shall collect from the petitioner's prison trust account the **\$484.29** balance of the filing fee by collecting monthly payments from the petitioner's prison trust account in an amount equal to 20% of the preceding month's income credited to the petitioner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. §1915(b)(2). The Secretary or his designee shall clearly identify the payments by the court of appeals case name and case number (18-1754). If the

petitioner is transferred to another institution—county, state or federal—the transferring institution shall forward a copy of this order to that institution, along with the petitioner’s remaining balance.

The court will send copies of this order to the officer in charge of the agency where the petitioner 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 8th day of June, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge