

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

MICHAEL P. COTTON,

Petitioner,

v.

Case No. 17-CV-1103-JPS

WARDEN SCOTT ECKSTEIN,

**ORDER**

Respondent.

Petitioner Michael Cotton (“Cotton”), who is incarcerated at Green Bay Correctional Institution, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket #1). The filing fee for such a petition is \$5.00. Cotton did not pay the fee when he filed his petition, nor did he submit a motion for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 along with the required six-month prison trust fund account statement. In a letter dated August 9, 2017, the Clerk of the Court warned him to either pay the fee or file a motion for leave to proceed *in forma pauperis* within twenty-one days. (Docket #2). That deadline has passed, and the only thing Cotton has filed is a refusal to the jurisdiction of the assigned magistrate judge. (Docket #3).

In light of Cotton’s failure to comply with the request from the Clerk of the Court, the Court would generally dismiss this action for his failure to prosecute the same. *See* Civil L. R. 41(c). However, the Seventh Circuit commands that dismissal of a *pro se* litigant’s case should almost always be preceded by a warning. *Fischer v. Cingular Wireless, LLC*, 446

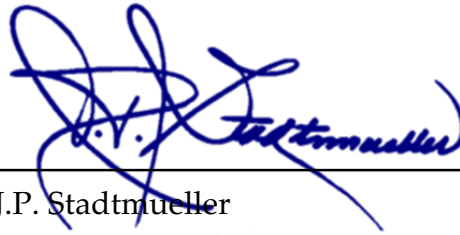
F.3d 663, 665 (7th Cir. 2006). Thus, the Court issues this order as his warning: if Petitioner does not submit either the \$5.00 filing fee or a motion for leave to proceed *in forma pauperis*, including his six-month trust account statement, within (7) days of the date of this Order, this action will be dismissed without further notice.

Accordingly,

**IT IS ORDERED** that Petitioner shall submit either the \$5.00 filing fee in this action or a motion for leave to proceed *in forma pauperis*, including his six-month trust account statement, within **seven (7) days** of the date of this Order.

Dated at Milwaukee, Wisconsin, this 1st day of September, 2017.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized and somewhat cursive.

J.P. Stadtmueller  
U.S. District Judge