

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IVAN MITCHELL,

Plaintiff,

v.

Case No. 17-cv-1167-pp

ANN SCARPITA, NICOLE KAMPHUIS,
DONNA LARSON, LORI DOEHLING,
EMILY STADTMUELLER,
and JAMES MUENCHOW,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO STOP PAYMENT
(DKT. NO. 14), VACATING PART OF JUNE 19, 2018 ORDER (DKT. NO. 13)
AND ORDERING TRANSFER OF FUNDS**

Plaintiff Ivan Mitchell is a Wisconsin state prisoner representing himself. He has filed a request to stop payment of the filing fee in his Western District of Wisconsin case. Dkt. No. 14.

The plaintiff filed his complaint in the Western District of Wisconsin, alleging that the defendants violated his civil rights, Mitchell v. Foster, Case No. 17-cv-628-wmc (W.D. Wis.). Dkt. No. 1. The plaintiff moved to transfer the case to the Eastern District of Wisconsin, having recognized that he had filed the complaint in the wrong court. Dkt. No. 6. Before the case transferred to this district, however, the plaintiff paid an \$18.00 initial partial filing fee in the Western District, and that court issued a "Warden PLRA Letter" directing that

the warden of the institution where the plaintiff was confined had to pay the remainder of the filing fee to that court. Dkt. No. 5.

After the case transferred to this district, this court screened the complaint, and directed the plaintiff's institution to pay the \$332.00 balance of the filing fee to *this* court. While this court recognized that the plaintiff had paid the \$18.00 initial partial filing fee to the Western District of Wisconsin, it missed the fact that the Western District of Wisconsin already had ordered the plaintiff's institution to pay the balance of the filing fee. This court should not have directed the warden to collect the balance of the filing fee, because the Western District already had done so in Mitchell v. Foster, Case No. 17-cv-628-wmc (W.D. Wis.).

The court understands why the plaintiff has asked to stop payment to the Western District. The court's staff has spoken with the various clerks of court, and with the business office at the plaintiff's institution, and has learned that instead of stopping payment in the Western District of Wisconsin, the court should stop payment of the filing fee in *this* case, and should order that the \$12.20 that the plaintiff has paid in this case to be applied to the Western District case number.

The plaintiff's institution has submitted \$12.20 to this court for this case. The court will order the Milwaukee clerk's office to transfer that amount to the Western District of Wisconsin, to be applied in Mitchell v. Foster, Case No. 17-cv-628-wmc (W.D. Wis.). The court will vacate that part of its screening order that directed collection of the remainder of the filing fee. The clerk's office

for the Western District will collect the balance of the filing fee, under the 17-cv-628-wmc case number.

The court **DENIES** the plaintiff's motion to stop payment in Western District case. Dkt. No. 14.

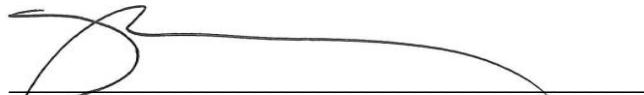
The court **VACATES** that part of this court's June 19, 2018 order that directs the agency having custody of the plaintiff to collect the \$332 balance of the filing from plaintiff's prison trust account. Dkt. No. 13.

The court **ORDERS** that the clerk's office for the Eastern District of Wisconsin shall **TRANSFER** the \$12.20 the plaintiff has paid toward the filing in this case to the Western District of Wisconsin, to be applied in Mitchell v. Foster, Case No. 17-cv-628-wmc (W.D. Wis.).

The court will mail a copy of this order to Mike Hille, Waupun Correctional Institution, P.O. Box 351, Waupun, Wisconsin 53963-0351.

Dated in Milwaukee, Wisconsin this 19th day of July, 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