

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AL HOLIFIELD,

Plaintiff,

v.

Case No. 18-cv-807-pp

WARDEN DOHMS, *et al.*,

Defendants.

ORDER REQUIRING THE PLAINTIFF TO PAY THE INITIAL PARTIAL FILING FEE, OR EXPLAIN WHY HE CANNOT DO SO, BY THE END OF THE DAY ON AUGUST 3, 2018, OR FACE DISMISSAL OF HIS CASE

Plaintiff Al Holifield, who is representing himself, filed a complaint, dkt. no. 1, along with a motion for leave to proceed without prepayment of the filing fee, dkt. no. 2. Regarding the motion to proceed without prepaying the filing fee, the court ordered that by June 27, 2018, the plaintiff was to forward to the Clerk of Court \$5.43 as an initial partial filing fee. Dkt. No. 7. The court advised the plaintiff that, once it received this fee, it would determine whether the case can proceed without prepayment of the filing fee. Over three weeks have passed since the deadline the court set, and the court has not received this partial filing fee.

Before it dismisses this case for failure to pay the initial partial filing fee, the court 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). The court notes that when the plaintiff filed his complaint, he was in custody at the Marshall E.

Sherrer Correctional Center in Hawkins, Wisconsin. Dkt. No. 1. On July 6, 2018, the court received from the plaintiff a notice that he had been released from custody; he provided the court with his new address in Milwaukee. Dkt. No. 8. The plaintiff dated the letter July 7, 2018; the Wisconsin Inmate Locator indicates that the plaintiff was released on July 3, 2018. It is possible that, in the process of being released from custody, the plaintiff misplaced the court's order regarding the initial partial filing fee, or forgot about the deadline.

The court will give the plaintiff additional time to either pay the initial partial filing fee of \$5.43 or explain to the court why he is unable to do so. If, however, the court does not receive either the initial partial filing fee, or an explanation of why the plaintiff can't pay it, by the deadline the court sets below, the court will dismiss the plaintiff's case for failure to comply with the court's order.

The court also notes that the plaintiff has two cases pending in this court—this one, and Case No. 18-cv-801. The plaintiff owes an initial partial filing fee of \$5.43 for *each of these cases*, for a total of \$10.86. The law requires plaintiffs to pay a separate filing fee for each complaint they file.

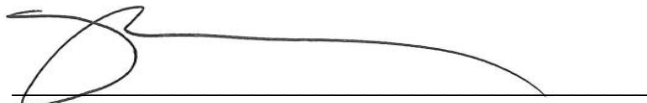
The court **ORDERS** that the plaintiff must either pay the initial partial filing fee of \$5.43, or file a written document explaining to the court why he cannot do so, in time for the court to receive it by the end of the day on **Friday, August 3, 2018**. The plaintiff may make the payment by bringing cash to the clerk's office at 517 East Wisconsin Avenue, Room 362, Milwaukee, Wisconsin

between the hours of 8:30 a.m. and 4:30 p.m. He may pay by check, money order or cashier's check; the check should be made out to Clerk, U.S. District Court. If he wants to mail the check, he should mail it to Clerk's Office, 517 East Wisconsin Avenue, Room 362, Milwaukee, Wisconsin 53202. He may pay by credit card over the telephone, by calling 414-297-3372 and asking for the cashier. If the plaintiff mails the check, or mails the court a letter explaining why he cannot pay the initial partial filing fee, he must mail the envelope in time for the court to *receive* it by the end of the day on August 3, 2018.

If the court does not receive the money or the written document by the deadline, the court will dismiss the case without prejudice based on the plaintiff's failure to pay the initial partial filing fee.

Dated in Milwaukee, Wisconsin this 20th day of July, 2017.

BY THE COURT:

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

HON. PAMELA PEPPER
United States District Judge