

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALLEN PAYETTE,

Plaintiff,

v.

BOB DICKMAN
and SETH WISKOW,

Defendants.

ORDER

07-cv-242-bbc

On November 23, 2009, I entered a decision in this case ruling on several post-trial motions filed by plaintiff including denial of two motions for a new trial. In the same order, I addressed plaintiff's filing of a notice of appeal of the final judgment and granted his motion for leave to proceed in forma pauperis on appeal. Now, however, it has come to the court's attention that the November 23 order did not include assessment of an initial partial payment of the \$455 appellate filing fee. From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing his appeal in the amount of \$14.30. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send

plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Allen Payette may have until December 23, 2009, in which to submit a check or money order made payable to the clerk of court in the amount of \$14.30. If, by December 23, 2009, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$14.30 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 2nd day of December, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge