Jones v. RAEMISCH et al Doc. 46

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

DERWIN JONES,

Plaintiff,

v.

ORDER

SCOTT HOFTIEZER and DR. DAVID BURNETT,

08-cv-294-bbc

Defendants.

On May 11, 2009, judgment was entered dismissing this case in favor of defendants.

Now plaintiff has moved for an order requiring the institution to transfer \$152.70 from his

release account to pay towards the amount of \$207.72 that he owes this court.

The use of release account funds is governed by state law. See Wis. Admin. Code § DOC

309.466. According to § 309.466(2), "[r]elease account funds may not be disbursed for any

reason until the inmate is released to field supervision, except to purchase adequate clothing for

release and for out-of-state release transportation." The only exception is that release funds can

used to pay an initial partial filing fee under the 1996 Prison Litigation Reform Act.

Because release funds cannot be used for any other reason, his request to have the funds

used to pay the reminder of his filing fee.

ORDER

IT IS ORDERED that plaintiff's motion for use of release account funds to pay the

remainder of his filing fee, dkt. 45, is DENIED.

Entered this 18th day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge