

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

SERGIO L. SHAW,

Petitioner,

v.

MARTHA BREEN,
JANEL NICKEL,
DILLEN RADTKE and
GREG GRAMS,

Respondents.

ORDER

08-cv-490-bbc

Petitioner Sergio Shaw, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Petitioner's complaint was submitted on August 17, 2008. His trust fund account statement should cover the six-month period beginning approximately February 18, 2008

and ending approximately August 18, 2008. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until September 15, 2008, in which to submit a trust fund account statement for the period beginning approximately February 18, 2008 and ending approximately August 18, 2008. If, by September 15, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 25th day of August, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge