

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

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SAMUEL S. UPTHEGROVE,

Petitioner,

ORDER

v.

08-cv-552-slc

CHARLES TUBBS, PAUL WESTERHAUS,  
MR. OURADA, BRUCE SUNDE, SUPERVISOR  
BRANDT, SUPERVISOR LEMIER, SUPERVISOR  
DUSTY, SUPERVISOR ZEICU, SUPERVISOR  
GARR, SUPERVISOR GIERS, YC KRAFT,  
YC GERDES, YC RAASCH, YC NEWMAN,  
YC WENICK, YC BARNEY, YC NELSON,  
YC DEE, YC CHIESIT, YC MACK, YC  
KOEHLER, YC JAY BONE, YC MCCALLISTER  
and UNIT MANAGER TIMM,

Respondents.

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In an order entered in this case on September 24, 2008, I told petitioner that before I could consider his request to proceed *in forma pauperis* he would have to submit a trust fund account statement covering the six-month period immediately preceding the filing of his complaint so that I could assess an initial partial payment of the \$350 fee for filing this case. Petitioner has submitted the requested statement. From the statement, I conclude that he presently has no means with which to pay an initial partial payment of the filing fee. Even though petitioner will not be required to pay an initial partial payment of the filing fee, he is reminded that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint *in forma pauperis* and even if he does not

presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

ORDER

IT IS ORDERED that petitioner Samuel Upthegrove's complaint will be taken under advisement. As soon as the court's calendar permits, petitioner's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Petitioner will be notified promptly when such a decision has been made.

Further, the Clerk of Court is requested to insure that the court's financial records reflect that petitioner owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 2<sup>nd</sup> day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge