

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

ROBERT W. TESSEN,

Petitioner,

v.

KENT LEPAK and
STEVENS POINT POLICE DEPARTMENT,

Respondents.

ORDER

08-cv-556-bbc

Petitioner Robert Tessen, a prisoner at the Dodge Correctional Institution in Waupun, 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 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 the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on September 17, 2008. His trust fund account statement should cover the period beginning approximately March 17, 2008 and ending

approximately September 15, 2008. Instead, it covers approximately a one-month period beginning August 28, 2008 and ending September 19, 2008. From my review of the statement it appears petitioner arrived at Dodge Correctional Institution on or around August 28, 2008. When a prisoner is incarcerated at one or more institutions during the six-month period immediately preceding the filing of his lawsuit, he is required under 28 U.S.C. § 1915(a)(2) to obtain a trust fund account statement “from the appropriate official of each prison at which [he] is or was confined” during the relevant period. Therefore, if petitioner wants to continue with this lawsuit, he will have to write to the other institutions in which he may have been confined between March 17, 2008 and his transfer to the Dodge Correctional Institution, to request a certified copy of his trust fund account statement for the appropriate period.

ORDER

IT IS ORDERED that petitioner may have until October 16, 2008, in which to submit a trust fund account statement for the period beginning approximately March 17, 2008 and ending approximately September 15, 2008. If, by October 16, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, 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 September, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge