

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

ROY S. RECLA,

Petitioner,

v.

ORDER

09-cv-101-bbc

FEDERAL BUREAU OF PRISONS,
MR. MARTINEZ, MS. HOLINKA,
MR. ROBINSON, DR. REED,
DR. STEWART, F. TAYLOR JR.,
MR. TORRES and MR. CARR,

Respondents.

Petitioner Roy Recla, a prisoner at the Elkton Federal Correctional Institution in Lisbon, Ohio, has submitted a proposed complaint. He asks for leave to proceed in forma pauperis. Because petitioner is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint in forma pauperis, petitioner will have to make an initial partial payment of the filing fee. From the trust fund account statement petitioner has submitted, I calculate his initial partial payment to be \$37.92. Also, he must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. Petitioner should show a copy

of this order to prison officials to insure that they are aware they should send petitioner's initial partial payment to this court.

ORDER

IT IS ORDERED that petitioner is assessed \$37.92 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$37.92 on or before March 18, 2009. If, by March 18, 2009, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, 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 February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge