

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

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JAMES J. KRISPIN,

Plaintiff,

ORDER

v.

09-cv-129-bbc

MIKE THURMER, THERESA MURPHY,  
MICHAEL MEISNER, AMY SMITH, RICK  
RAEMISCH and TOM GOZINSKE,  
Defendants.

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Judgment was entered in this case on June 2, 2010 in favor of defendants, dismissing this case. I found that defendants had not violated plaintiff's constitutional rights because they showed that denying plaintiff visitation with his 9 and 11-year old sons is reasonably related to an interest in protecting plaintiff's children from harm.

Now plaintiff has filed a notice of appeal. Because plaintiff has not paid the \$455 fee for filing an appeal, I construe his notice as including a request for leave to proceed on appeal in forma pauperis.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the

1996 Prison Litigation Reform Act. This means that this court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him and I do not intend to certify that his appeal is not taken in good faith.

The only other hurdle to plaintiff's proceeding with his appeal in forma pauperis is the requirement that he make an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Plaintiff has not submitted the necessary trust fund account statement. Until he does so, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that plaintiff may have until July 27, 2010, in which to submit a certified copy of his trust fund account statement for the six-month period from approximately January 1, 2010 to approximately July 1, 2010. If, by July 27, 2010, plaintiff fails to submit the required trust account statement or show cause for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 8th day of July, 2010.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge