

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

---

JANARI L. MCKINNIE,

Plaintiff,

ORDER

v.

09-cv-188-bbc

MARK HEISZ, BRAD WOLFGRAM,  
ALAN MORRIS, JANEL NICKEL and  
GREG GRAMS,

Defendants.

---

Judgment was entered in this case on March 10, 2010, after I granted the motion for summary judgment filed by defendants Mark Heisz, Brad Wolfgram. Alan Morris, Janel Nickel and Greg Grams. On April 2, 2010, I denied plaintiff's motion to alter or amend the judgment.

Now before the court is plaintiff's notice of appeal. Because plaintiff has not paid the \$455 fee for filing an appeal, I am construing his notice as 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 proceeding on the appeal in forma pauperis is the requirement that plaintiff 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 April 30, 2010, in which to submit a certified copy of his trust fund account statement for the six-month period from approximately October 14, 2009 to approximately April 14, 2010. If, by April 30, 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 19th day of April, 2010.

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