

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

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OSCAR GARNER,

Plaintiff,

v.

PETER HUIBREGTSE, Warden; RUBIN ASCH,  
Psychiatric Head; RANDY GAGE, Psychologist;  
GARY MAIER, Psychiatrist; CHARLES  
YUNGHANS, Psychologist; and SHANNON  
SHARPE, Crisis Worker;

Defendants.

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ORDER

09-cv-301-slc

In an order entered in this case on May 19, 2009, I told plaintiff 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 preceding the filing of his complaint so that I could assess an initial partial payment of the \$350 fee for filing this case. Plaintiff has submitted the requested statement. From the statement, I have calculated plaintiff's initial partial payment to be \$8.29. If plaintiff does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount plaintiff must pay at this time is the \$8.29 initial partial payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take

from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff is assessed \$8.29 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 \$8.29 on or before June 18, 2009. If, by June 18, 2009, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 plaintiff's filing his case at a later date.

Entered this 29<sup>th</sup> day of May, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge