

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

ROBERT W. TESSEN,

Plaintiff,

ORDER

v.

10-cv-104-wmc

STEVE HELGERSON, NANCY HAHNISCH,
DARCI BURRESON, JENNIFER NICKEL,
NATALIE NEWMAN and KIM CAMPBELL,

Defendants.

As directed in Judge William Conley's order of September 23, 2011, plaintiff Robert Tessen has submitted a copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal *in forma pauperis* and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. In the September 23 order, the court found that Plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal *in forma pauperis*.

From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing his appeal in the amount of \$1.64.

If plaintiff does not have the money to make the initial partial appeal payments in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. The only amount plaintiff must pay at this time is the \$1.64 initial partial appeal 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 he owes. Plaintiff should show a copy of this order to prison

officials to make sure they are aware they should send plaintiff's initial partial appeal payment to this court.

ORDER

IT IS ORDERED that plaintiff Robert Tessen's request for leave to proceed *in forma pauperis* on appeal is GRANTED. Plaintiff may have until November 16, 2011, in which to submit a check or money order made payable to the clerk of court in the amount of \$1.64. If, by November 16, 2011, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect Plaintiff's obligation to pay the \$1.64 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 24th day of October, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge