

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

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KENNETH A. ROBERTS,

Plaintiff,

v.

DEB MCCULLOCH,

Defendant.

ORDER

11-cv-253-slc

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Plaintiff Kenneth Roberts, a patient at the Sand Ridge Secure Treatment Facility in Mauston, Wisconsin, has filed a proposed complaint and a petition and affidavit to proceed without prepayment of fees and costs.

This court uses one method for determining the indigent status of all institutionalized persons, even those like plaintiff who are not subject to the 1996 Prison Litigation Reform Act. *See Longbehn v. United States*, 169 F.3d 1082 (7th Cir. 1999). From a six-month resident account statement covering the full six-month period immediately preceding the filing of the plaintiff's complaint, the court calculates two amounts, 20% of the plaintiff's average monthly income and 20% the plaintiff's average monthly balance. Whichever amount is greater is the amount the plaintiff will have to prepay toward the \$350 filing fee. He will qualify for indigent status with respect to the remainder of the fee. (The *in forma pauperis* statute does not permit a court to waive all of a plaintiff's obligation to pay filing fees. All it does is allow a court to grant qualifying individuals leave to proceed without *prepaying* some or all of the filing fee.)

Plaintiff has not provided a resident account statement in support of his request to proceed *in forma pauperis*. He will have to do so if he intends to pursue his request. Because plaintiff's complaint was submitted on March 29, 2011, his resident account statement should cover the period beginning approximately September 29, 2010 and ending approximately March

29, 2011. If plaintiff fails to submit the required statement within the deadline set below, I will assume he does not wish to proceed with this action and this case will be closed.

ORDER

IT IS ORDERED that plaintiff Kenneth Roberts may have until April 27, 2011, in which to submit a certified copy of his resident account statement beginning September 29, 2010 and ending March 29, 2011. If, by April 27, 2011, plaintiff fails to submit the required statement or show cause for his failure to do so, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 7<sup>th</sup> day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge