

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

JOSE RENE GAMEZ-ABREGO,

Plaintiff,

v.

ORLEANS PARISH JAIL, et al,

Defendants.

ORDER

11-cv-284-slc

Plaintiff Jose Rene Gamez-Abrego, a prisoner at the Oxford Federal Correctional Institution in Oxford, Wisconsin has submitted a proposed complaint. Although plaintiff used a form for filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, the claims that he alleges are civil rights claims under 42 U.S.C. §1983. Plaintiff requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because the trust fund account statement that he submitted with his proposed complaint only covers a three-month period rather than a six-month period as required by 28 U.S.C. § 1915(a)(2).

Plaintiff's complaint was filed on April 18, 2011. His trust fund account statement should cover the six-month period beginning approximately October 18, 2010 and ending approximately April 18, 2011. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Jose Rene Gamez-Abrego may have until May 12, 2011, in which to submit a certified copy of his trust fund account statement for the period beginning approximately October 18, 2010 and ending approximately April 18, 2011. If, by May 12, 2011, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 21st day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge