

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

EDDIE BAKER, JR.,

Plaintiff,

v.

CAROL HOLINKA, P.D. SHANKS
and K.L. HIBBARD,

Defendants.

ORDER

11-cv-533-wmc

In response to this court's July 29, 2011, order, plaintiff has submitted a certified copy of his six-month inmate account statement so that I can determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350 fee for filing this case. From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$45.79. Plaintiff is reminded that paying the amount I have determined he is able to prepay is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives plaintiff's payment, his complaint will be taken under advisement for a determination under § 1915(e)(2) whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief. Plaintiff should show a copy of this order to prison officials to insure that they know that they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Eddie Baker, Jr. is assessed \$45.79 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 \$45.79 on or before August 29, 2011. If, by August 29, 2011, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.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 8th day of August, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge