

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

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GARY A. SMITH,

Plaintiff,

v.

SHERIFF ROBERT SPODEN and  
DR. BUTLER,

Defendants.

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ORDER

12-cv-96-wmc

Plaintiff Gary Smith, an inmate at the Rock County Jail in Janesville, Wisconsin has submitted a proposed complaint under 42 U.S.C. 1983. He asks for leave to proceed *in forma pauperis*. From the inmate account statement plaintiff has submitted, I have calculated his initial partial payment to be \$5.60. Once plaintiff's payment has been received, his complaint will be taken under advisement for screening to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made. Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Gary Smith is assessed \$5.60 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 \$5.60 on or before March 5, 2012. If, by March 5, 2012, 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be held to have withdrawn this action voluntarily.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 13<sup>th</sup> day of February, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge