

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

MARK ANTHONY ADELL,

Plaintiff,

v.

JUDY SMITH, CATHY JESS,
and COLLEEN JANIKOWSKI,

Defendants.

ORDER

12-cv-452-slc

On June 27, 2011, I directed plaintiff Mark Adell to submit his six month trust fund account statement to this court so that I could assess an initial partial payment of the \$350 fee for filing this case. In response to the June 27 order, plaintiff has submitted a letter in which he states that the warden has refused to provide plaintiff with the required trust fund account statement and asks this court to issue an order directing the warden to provide the statement to the court. Plaintiff has attached to his letter a copy of DAI Policy 309.51.01 regarding legal loans. In his letter plaintiff does not explain why prison officials are refusing to release the necessary six-month trust fund account statement or whether plaintiff has completed the paper work to secure a legal loan. It may be that plaintiff feels he is entitled to a free copy of his trust fund account statement, believing that prison staff cannot charge him for copies of this document. Plaintiff is incorrect. As with any type of legal expense, plaintiff must budget to pay for copies of his trust fund account statement or seek a legal loan to do so.

Since plaintiff has not yet submitted a copy of his trust fund account statement for the appropriate time period, I will construe his letter as a motion for extension of time and extend the deadline for plaintiff to submit his trust fund account statement until August 10, 2012. Plaintiff's trust fund account statement should cover the period beginning approximately

December 24, 2011 and ending approximately June 24, 2012. 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 § 1915(e)(2). If plaintiff fails to provide his statement, this case will be closed.

ORDER

IT IS ORDERED that plaintiff Mark Adell is GRANTED an enlargement of time to August 10, 2012, in which to submit a trust fund account statement for the period beginning December 24, 2011 and ending approximately June 24, 2012. If, by August 10, 2012, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. 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 20th day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge