

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

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HUMBERTO LAGAR,

Plaintiff,

v.

LIZZIE A. TEGELS et al.,

Defendants.

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ORDER

Case No. 13-cv-251-wmc

HUMBERTO LAGAR,

Plaintiff,

v.

RICHARD RAEMISCH, et al.

Defendants.

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ORDER

Case No. 13-cv-751-wmc

HUMBERTO LAGAR,

Plaintiff,

v.

LIZZIE A. TEGELS, et al.

Defendants.

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ORDER

Case No. 14-cv-36-wmc

Plaintiff has submitted a motion for an order directing prison officials to pay the remainder of his filing fees from his release account. Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the \$350 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income, in accordance with 28 U.S.C. § 1915(b)(2). This court entered orders assessing plaintiff initial partial

payments of the filing fees for these cases, which plaintiff has paid. Plaintiff has been making monthly installment payments since then.

The language of 28 U.S.C. § 1915(b)(1) requires prison officials to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). However, with the exception of such initial partial payments, this court does not have the authority to tell state officials whether, and to what extent, a prisoner should be able to withdraw money from his release account. Because plaintiff cannot use his release account funds to pay the remaining balance of the \$350 filing fee or for his expenses in pursuing his claims, I will deny his motion.

#### ORDER

IT IS ORDERED that plaintiff Humberto Lagar's motion for an order directing prison officials to pay the remainder of his filing fees from his release account is DENIED.

Entered this 29th day of December, 2014.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge