

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

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HENRY ROEBEN,

Plaintiff,

v.

HOME DEPOT, INC.,

Defendant.

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ORDER

Case No. 13-cv-641-wmc

Plaintiff Henry Roeben has filed a notice of appeal from the court's December 29, 2014 order. Plaintiff has neither paid the \$505 appellate docketing fee, nor requested leave to proceed without prepayment of the fee. Assuming that plaintiff wishes to proceed without prepayment of the fee, plaintiff will be required to complete the enclosed petition and affidavit to determine whether he qualifies as indigent. If plaintiff does not submit either the \$505 appeal fee or this affidavit by January 30, 2015, his appeal may be dismissed.

ORDER

IT IS ORDERED that plaintiff Henry Roeben may have until January 30, 2015, in which to either pay the \$505 appellate docketing fee or submit a completed affidavit of indigency. If petitioner fails to pay the \$505 appellate docketing fee, comply as directed, or show cause for failure to do so, then this appeal may be dismissed without further notice.

Entered this 9th day of January, 2015.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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\_\_\_\_\_  
Full name of plaintiff(s) or petitioner(s)

Case No. \_\_\_\_\_  
(Provided by the clerk of court)

v.

\_\_\_\_\_  
Full name of defendant(s) or respondent(s)

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**PETITION AND AFFIDAVIT TO PROCEED  
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

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I, \_\_\_\_\_, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

**I. Personal Information**

1) Are you currently incarcerated?                      Yes                      No

If "No," go to question 2. Complete all sections.

If "Yes," answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

\_\_\_\_\_  
(place)

\_\_\_\_\_  
(number)

(b) Are you employed at the institution?                      Yes                      No

(c) Do you receive any payment from the institution? Yes No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

**Personal Information - continued**

2) Are you employed? Yes No

3) Are you currently married? Yes No  
 If "Yes," is your spouse employed? Yes No

4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?  
 Yes No

If "Yes," list them below:

<u>First and Last Initials (For Minor Children Only) or Name Provided</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support</u>
			<u>Per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

**II. Income** - If you are married, your answers **must include your spouse's income.**  
*(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)*

State your total *monthly* income? \$ \_\_\_\_\_

Provide the name of your employer(s): \_\_\_\_\_

State your spouse's total *monthly* income? \$ \_\_\_\_\_

State the amount of money you have received from any other source in the last twelve months  
(e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

<u>Source of income</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____

**III. Expenses** - If you are married and/or have dependents, *your expenses should also include your household's expenses.*

*(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)*

1) Identify the following amounts that you pay per month:

Rent or Mortgage \$ \_\_\_\_\_

Car payment(s) \$ \_\_\_\_\_

Alimony and/or court-ordered child support \$ \_\_\_\_\_

Credit card payment(s) \$ \_\_\_\_\_

2) Do you have any other monthly expenses that you have not already identified?

Yes No

If "Yes," list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

3) What is the total amount of your monthly expenses?  
\$ \_\_\_\_\_  
\_\_\_\_\_

**IV. Property** - If you are married, your answers must *include your spouse's property*.

1) Do you own a car?      Yes              No      If "Yes," list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

2) Do you own your residence(s)?              Yes              No

If "Yes," state the approximate value(s). \$ \_\_\_\_\_

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ \_\_\_\_\_

**IV. Property - continued**

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques?  
Yes              No

If "Yes," identify the property and approximate value(s).

<u>Property</u>	<u>Approximate Value</u>
_____	\$ _____
_____	\$ _____

\_\_\_\_\_ \$ \_\_\_\_\_

4) Do you have any cash or checking, savings, or other similar accounts?

Yes

No

If "Yes," state the total amount of such sums. \$

\_\_\_\_\_

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?

Yes

No

If "Yes," state the nature of that property and approximate value(s).

\_\_\_\_\_

**V. Other Circumstances** - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature - Signed Under Penalty of

Perjury