

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

JUNE VANDERBILT,

Plaintiff,

v.

CAROLYN COLVIN,
Acting Commissioner of Social Security,

Defendant.

ORDER

13-cv-711-wmc

In response to this court's November 22, 2013 order, plaintiff June Vanderbilt, an inmate at the Columbia County Jail in Portage, Wisconsin has submitted a certified inmate account statement for the period preceding the filing of her complaint. Accordingly, the court must determine whether she qualifies for indigent status and, if she does, calculate an initial partial payment of the \$350.00 indigent filing fee.

In determining whether an incarcerated litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, an inmate requesting leave to proceed *in forma pauperis* must prepay an initial partial filing fee that consists of 20% of the greater of - - (A) the average monthly deposits to her account; or (B) the average monthly balance in her account for the six-month period immediately preceding the filing of the complaint.

From plaintiff's account statement, the court finds that plaintiff has average monthly deposits of \$33.50. Accordingly, that is the amount plaintiff will be assessed as an initial partial payment of the filing fee. 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

Accordingly, IT IS ORDERED that June Vanderbilt's motion for leave to proceed *in forma pauperis* is GRANTED on the condition that she pay an initial partial filing fee in the amount of \$33.50. Plaintiff must pay the filing fee no later than February 6, 2014. If she fails to do so, this action may be dismissed for her failure to prosecute it. Upon receipt of plaintiff's payment, the clerk of court shall issue summonses and forward them to plaintiff's counsel for service.

Entered this 10th day of January, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge