

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

ALBERT PITTS JR.,

Plaintiff,

ORDER

13-cv-725-wmc

THE STATE OF WISCONSIN,
DONALD J. HASSIN JR.,
DET. CRAIG DRUMMY,
KEVIN M. OSBORNE,
JENNIFER BAGDONGS and
JORGE R. FRAGOSO,

Defendants.

Plaintiff Albert Pitts Jr., an inmate being held at the Waukesha County Jail in Waukesha, Wisconsin, has filed a proposed civil action under 42 U.S.C. § 1983. With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915, in which case the fee is \$350. Plaintiff has submitted a motion for leave to proceed *in forma pauperis*. (Dkt. # 2). The court cannot consider this motion, however, because it lacks information regarding plaintiff's eligibility for indigent status.

To the extent that plaintiff wishes to proceed *in forma pauperis*, he must comply with the Prisoner Litigation Reform Act (PLRA), 28 U.S.C. § 1915(b), which requires indigent inmates to pay by installment the entire filing fee for civil actions and appeals. The federal *in forma pauperis* statute does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether a prisoner qualifies as indigent, his motion for leave to proceed *in forma pauperis* must include a certified copy of his inmate trust fund account statement (or

institutional equivalent) for the six-month period immediately preceding the date of his complaint. 28 U.S.C. § 1915(a)(2). Plaintiff has failed to satisfy this requirement. It may be that plaintiff was not in custody at the Waukesha County Jail for the entire six-month period before filing his complaint, in which case he may provide a trust fund account statement for the period that he came to be in custody to the date that he signed his complaint.

Until plaintiff pays the fee or provides documentation in support of his request for indigent status, the court will take no further action in this case. Accordingly, plaintiff must either pay the \$400 filing fee or submit a copy of his trust fund account statement no later than November 22, 2013.

ORDER

IT IS ORDERED that:

1. No later than November 22, 2013, plaintiff Albert Pitts Jr. shall pay the \$400 filing fee or submit a certified copy of his trust fund account statement for the six-month period from the date of the complaint (April 4, 2013 through at least October 4, 2012).
2. **Plaintiff is advised that, if he fails to comply as directed or show cause of his failure to do so, this case will be dismissed without prejudice and without further notice pursuant to Fed. R. Civ. P. 41(b).**

Entered this 30th day of October, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge