

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

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EDDIE GENE EVANS,

Petitioner,

v.

EDWARD WALL, SECRETARY  
AND CAPTAIN DONAVAN, Disciplinary  
Committee

Respondents.

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ORDER

Case No. 14-cv-384-wmc

Petitioner Eddie Gene Evans is currently in custody of the Wisconsin Department of Corrections at the Columbia Correctional Institution in Portage, Wisconsin. He has filed a petition for a writ of habeas corpus, challenging a conduct report he received in March, 2006. Petitioner has neither paid the \$5 filing fee nor requested leave to proceed without prepayment of the filing fee in this habeas proceeding. For this case to move forward, petitioner must pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than June 26, 2014.

In the event that petitioner requests leave to proceed without prepayment of the filing fee, he must submit a trust fund account statement for the six-month period immediately preceding the filing of his habeas corpus petition. *See* 28 U.S.C. § 1915(a)(2); *Longbehn v. United States*, 169 F.3d 1082 (7th Cir. 1999). The 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 petitioner qualifies as indigent, any motion for leave to proceed without prepayment of the filing fee must include a certified copy of his inmate trust fund account statement (or institutional

equivalent) for the six-month period beginning approximately November 22, 2013, through the date of his petition, May 22, 2014.

If petitioner does not submit either the \$5 payment or a motion for leave to proceed without prepayment of the fee before June 26, 2014, the court will assume that he wishes to withdraw this action voluntarily and will dismiss the petition without further notice under Fed. R. Civ. P. 41(a).

#### ORDER

IT IS ORDERED that:

1. No later than June 26, 2014 Eddie Gene Evans shall pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee together with a certified copy of his inmate trust fund account statement for the six-month period from the date of the habeas petition (May 22, 2014 through at least November 22, 2013).
2. Petitioner is advised that, if he fails to comply as directed or show cause for his failure to do so, the court will assume that he does not wish to proceed and this case will be closed without prejudice pursuant to Fed. R. Civ. P. 41(a).

Entered this 3rd day of June, 2014.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge