

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

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EDDIE GENE EVANS,

Petitioner,

v.

EDWARD WALL AND CAPTIAN DONAVAN,

Respondents.

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ORDER  
14-cv-384-wmc

In an order entered in this case on June 3, 2014, Petitioner Eddie Gene Evans was told that before the court could consider his request to proceed without prepayment of the filing fee he would have to submit a motion for leave to proceed without prepayment of the filing along with an inmate account statement covering the six-month period preceding the filing of his petition for writ of habeas corpus so that the court could assess an initial partial payment of the \$5.00 filing fee. Petitioner's initial partial payment cannot be calculated at this time because he has not submitted the requested inmate account statement.

In response to the June 3, 2014 order, petitioner submitted a motion for leave to proceed without prepayment of fees and costs along with a disbursement request dated June 15, 2014, showing petitioner requested a six-month trust fund account statement from Columbia Correctional Institution ("CCI"). The court has yet to receive petitioner's six-month trust fund account statement.

If petitioner intends to pursue his request to proceed without prepayment of the filing fee in this case, he will need to submit a six-month trust fund account statement. A prisoner's account statement must be for the six-month period immediately preceding the filing of the complaint. Here, this would be the period beginning November 22, 2013, through the date of his petition, May 22, 2014. Petitioner should show a copy of this order to CCI officials to insure that they are aware they should send a copy of petitioner's inmate account statement to this court. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can consider his petition. If petitioner fails to provide his statement, this case will be closed. If CCI is unable to provide petitioner with this information, petitioner should send CCI's response to the court. I will grant petitioner a brief extension of the deadline, until August 15, 2014, to submit either his trust fund account statement or to pay the \$5.00 filing fee in full.

#### ORDER

IT IS ORDERED that petitioner Eddie Gene Evans may have until August 15, 2014, in which to submit a certified copy of his inmate account statement for as much of the period beginning approximately November 22, 2013, and ending approximately May 22, 2014, as he can. If by August 15, 2014, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk

of court is directed to close this case without prejudice to petitioner's filing his case at a later date.

Entered this 17th day of July, 2014.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge