

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

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MICHELLE A. FOX,

Plaintiff,

v.

DANE COUNTY, et al.

Defendants.

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ORDER

Case No. 14-cv-541-jdp

Plaintiff Michelle A. Fox has submitted a certified inmate trust fund account statement for the six month period preceding 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 fee for filing this case.

In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner litigant must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to her prison account in the six-month period immediately preceding the filing of the complaint.

In this case, 20% of the average monthly balance is \$23.18, and 20% of the average monthly deposits made to her account is \$15.46. Because the greater of the two amounts is 20% of the average monthly balance, or \$23.18, that is the amount plaintiff will be assessed as an initial partial payment of the filing fee. For this case to proceed, plaintiff must submit this amount on or before September 15, 2014.

If plaintiff does not have the money to make the initial partial payment in her regular account, she will have to arrange with prison authorities to pay some or all of the assessment

from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of her filing fee from her release account. The only amount plaintiff must pay at this time is the \$23.18 initial partial payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

#### ORDER

IT IS ORDERED that,

1. Plaintiff Michelle A. Fox is assessed \$23.18 as an initial partial payment of the \$350.00 fee for filing this case. She is to submit a check or money order made payable to the clerk of court in the amount of \$23.18 or advise the court in writing why she is not able to submit the assessed amount on or before September 15, 2014.

2. If, by September 15, 2014, plaintiff fails to make the initial partial payment or show cause for her failure to do so, she will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing her case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the PLRA, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 25<sup>th</sup> day of August, 2014.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge