

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

WALTER SMITH,

Plaintiff,

v.

BETH LIND, ET AL.,

Defendants.

ORDER

Case No. 14-cv-796-wmc

Plaintiff Walter Smith, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a proposed civil complaint. Plaintiff requests leave to proceed without prepayment of the filing fee. To the extent plaintiff wishes to proceed without prepaying the filing fee, and because plaintiff is incarcerated, plaintiff must comply with the Prisoner Litigation Reform Act (PLRA). The PLRA requires plaintiff to submit a certified copy of plaintiff's inmate account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). Although plaintiff submitted an inmate trust account statement, the statement was not certified.

For this case to proceed, plaintiff must submit a *certified* inmate account statement no later than December 19, 2014. If plaintiff is found to be indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments. If plaintiff does not submit a certified, six-month inmate account statement, I will assume that plaintiff wishes to withdraw this action voluntarily.

ORDER

IT IS ORDERED that plaintiff Walter Smith may have until December 19, 2014 to submit a certified trust fund account statement for the period beginning approximately May 19, 2014 and ending approximately November 19, 2014. If, by December 19, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 25th day of November, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge