

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

MAFAYETTE FIELDS,

Plaintiff,

v.

KRISTINE DEYOUNG, et al.

Defendants.

ORDER

Case No. 16-cv-405-jdp
Appeal no. 19-1245

On February 14, 2019, this court entered an order directing plaintiff Mafayette Fields to submit by March 6, 2019 an initial partial payment of the appeal fee in the amount of \$5.86. Now plaintiff has filed a motion to use release account funds to pay the entire fee for filing this appeal. However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Therefore, plaintiff cannot use the release account funds to pay the entire balance of the \$505.00 appeal fee.

The only amount plaintiff must pay at this time is the \$5.86 initial partial appeal payment. Before 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.

Since the court has not yet received plaintiff's \$5.86 initial partial appeal payment and the deadline is March 6, 2019, the court will provide plaintiff with an enlargement of time until March 12, 2019 to pay the initial partial payment.

ORDER

IT IS ORDERED that,

1. Plaintiff Mafayette Fields's motion for use of release account funds to pay the entire appeal fee in this case is DENIED.

2. Plaintiff may have until March 12, 2019, to submit a check or money order made payable to the clerk of court in the amount of \$5.86. If by March 12, 2019, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing at a later date.

Entered this 19th day of February, 2019.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge