

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

SHANE LIETZ,

Plaintiff,

v.

DANE COUNTY SHERIFFS (JAIL),
NICHOLAS KHRAN and DAVE MAHONEY,

Defendants.

ORDER

Case No. 16-cv-505-wmc

On July 27, 2016, plaintiff Shane Lietz, submitted an inmate account statement for the six month period preceding the filing of the complaint in support of his motion to proceed without prepayment of the filing fee. Using information for the relevant time period from plaintiff's trust fund account statement, I assessed plaintiff an initial partial payment of \$15.00, which is due by August 18, 2016. (Dkt. 5) Now plaintiff has submitted a letter indicating he is unable to submit the initial partial payment of \$15.00 at this time and in support of this request, plaintiff submitted an up-to-date inmate account statement showing no recent deposits. It appears that plaintiff presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, I will grant plaintiff's motion for leave to proceed without prepayment of the filing fee, but will not assess an initial partial filing fee. Even if it is ultimately determined that plaintiff's complaint cannot go forward, plaintiff is advised that the full \$350.00 filing fee for indigent litigants remains plaintiff's obligation. *See* 28 U.S.C. § 1915A.

Because plaintiff is an inmate, plaintiff is subject to the Prison Litigation Reform Act, which requires the complaint to be screened to determine whether any portion is frivolous or

malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

ORDER

IT IS ORDERED that,

1. The motion filed by plaintiff Shane Lietz for leave to proceed without prepayment of the filing fee is GRANTED.

2. No further action will be taken in this case until the complaint has been screened as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 11th day of August, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge