

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

TERRENCE BUCHANAN
and ISAAC TORRES,

ORDER

Plaintiffs,
v.

Case No. 16-cv-572-wmc

DANE COUNTY SHERIFF DEPT., et al.,

Defendants.

Plaintiffs Terrence Buchanan and Isaac Torres, inmates in the custody of the Dane County Jail, have submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff Buchanan has filed a copy of an inmate account statement in support of his motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff Buchanan qualifies for indigent status.

Even when an inmate litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff Buchanan's trust fund account statement, I conclude plaintiff's initial partial filing fee to be \$5.67. For this case to proceed, plaintiff must submit this amount on or before September 14, 2016.

ORDER

IT IS ORDERED that,

1. Plaintiff Terrence Buchanan is assessed \$5.67 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff Buchanan is to submit a check or money order made payable to the clerk of court in the amount of \$5.67 or advise the court in writing why he is not able to submit the assessed amount on or before September 14, 2016.

2. If, by September 14, 2016, plaintiff Buchanan fails to make the initial partial payment, or show cause for failure to do so, plaintiff Buchanan will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.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 Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 23rd day of August, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge