

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

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TINGIA D. WHEELER,

Plaintiff,

v.

JIM SCHWOECHERT, et al.,

Defendants.

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ORDER

16-cv-657-wmc

On September 29, 2016, I assessed plaintiff Tingia D. Wheeler an initial partial payment of \$218.50 for filing this action. Now plaintiff has submitted a motion requesting to use his release account funds to pay the \$218.50 initial partial payment. Dkt. 6. Plaintiff seeks to use funds from his release account because plaintiff says there are not sufficient funds in his regular trust account. Plaintiff further indicates that "Wisconsin Secure Program Facility (WSPF) will not release funds out of plaintiff's release account unless ordered" to do so by this court.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005).

ORDER

Accordingly, IT IS ORDERED that prison officials are directed to disburse \$218.50 from plaintiff's release account for payment of the initial partial \$350 filing fee. Plaintiff's initial partial payment is now due by October 31, 2016.

Entered this 11th day of October, 2016.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge