

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

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CARL C. GILBERT, II AND JERRED  
WASHINGTON,

Plaintiffs,

v.

ORDER

Case No. 16-cv-729-jdp

STATE OF WISCONSIN-DEPARTMENT  
OF HEALTH SERVICES, et al.

Defendants.

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Plaintiffs Carl C. Gilbert, II and Jerred Washington, patients at Sand Ridge Secure Treatment Center in Mauston, Wisconsin, have filed a proposed complaint under 42 U.S.C. § 1983, alleging constitutional rights violations. Plaintiffs have not paid the filing fee nor requested leave to proceed without prepayment. For this case to proceed, plaintiffs must pay the \$400 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than November 30, 2016.

This court uses one method for determining the indigent status of all institutionalized persons, even those like plaintiffs who are not subject to the 1996 Prisoner Litigation Reform Act. This method requires each plaintiff to submit a certified copy of a resident account statement for the six-month period immediately preceding the filing of the complaint

A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's resident account statement (or institutional

equivalent) for the six-month period immediately preceding the date of the complaint.  
28 U.S.C. § 1915(a)(2).

ORDER

IT IS ORDERED that plaintiffs Carl C. Gilbert, II and Jerred Washington may have until November 30, 2016 to submit the \$400 filing fee or motions for leave to proceed without prepayment along with certified copies of their resident account statements for the period beginning approximately May 7, 2016 and ending approximately November 7, 2016. If, by November 30, 2016, either plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw from this action voluntarily.

Entered this 8<sup>th</sup> day of November, 2016.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge

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

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CARL C. GILBERT, II AND JERRED WASHINGTON,

Plaintiffs,

ORDER

v.

Case No. 16-cv-729-jdp

STATE OF WISCONSIN-DEPARTMENT OF HEALTH  
SERVICES, et al.

Defendants.

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**REQUEST TO PROCEED IN DISTRICT COURT  
WITHOUT PREPAYING THE FULL FILING FEE**

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Answer the following questions to the best of your ability.

**Note:** If you do not tell the truth, the court may dismiss your lawsuit.

**I. Personal Information**

1) Your name: \_\_\_\_\_

(a) State the place of your residency and provide your identification number if applicable:

\_\_\_\_\_ (place)                      \_\_\_\_\_ (number)

(b) Are you employed at the institution?                       Yes                       No

(c) Do you receive any payment from the institution?                       Yes                       No

**Attach a printout of your resident account statement showing transactions for the six-month period immediately preceding the filing of this request and showing the current balance of your account.**

2) Do you have any dependents that you are responsible for supporting?

Yes                       No

If "yes," list them below.

<u>Name or initials (for minor children only)</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

**II. Property or Assets:** - If you are married, your answers must *include your spouse's property*.

1) Do you own a car?

Yes             No

If "yes," list the car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

2) Do you own your home(s)?             Yes             No

If "Yes," state the approximate value(s).    \$ \_\_\_\_\_

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the home(s)? \$ \_\_\_\_\_

3) Do you have any cash or checking, savings, or other similar accounts?

Yes     No

If "Yes," state the total of such sums.        \$ \_\_\_\_\_

4) Do you own any other property of value, such as real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k), artwork, or jewelry?

Yes             No

If "Yes," describe the property and the approximate value(s).

\_\_\_\_\_  
\_\_\_\_\_

**III. Litigation History**

For each federal lawsuit that you recall having filed, list as much of the following information that you remember about each case: The name of the case (that is, the plaintiffs and the defendants), the case number or year of filing, and the federal district in which you filed the case. Use more paper if needed.

<b>Case Name (Plaintiffs and defendants)</b>	<b>Case number (or year of filing)</b>	<b>Federal district</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**IV. Other Circumstances** - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

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I, \_\_\_\_\_, declare that I am the plaintiff bringing this complaint. I declare that I am unable to prepay the full filing fee and that I am entitled to the relief sought in the complaint.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Signature - Signed Under Penalty of Perjury**