

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

DESSIE RUSSELL LONAS

Plaintiff,
v.

ORDER

Case No. 16-cv-752-jdp

OSHKOSH CORRECTIONAL
INSTITUTION and DEPARTMENT OF
CORRECTIONS,

Defendants.

DESSIE RUSSELL LONAS,

Plaintiff,
v.

ORDER

Case No. 16-cv-780-jdp

JUDGE GREISBACH et al.,

Defendants.

DESSIE RUSSELL LONAS,

Plaintiff,
v.

ORDER

Case No. 16-cv-790-jdp

DANA JOHNSON,

Defendant.

DESSIE RUSSELL LONAS,

Plaintiff,
v.

ORDER

Case No. 16-cv-791-jdp

STATE OF WISCONSIN,

Defendant.

On November 14, 2016 I assessed plaintiff Dessie Lonas an initial partial filing fee of \$6.26 in case 16-cv-752-jdp. On December 2, 2016, I assessed plaintiff initial partial filing fees of \$73.92, for cases 16-cv-780-jdp, 16-cv-790-jdp and 16-cv-791. Now plaintiff has submitted a letter asking if the \$73.92 calculation is correct.

Because plaintiff is incarcerated, his case is governed by the Prisoner Litigation Reform Act (PLRA), 28 U.S.C. § 1915(b), which allows a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether a prisoner qualifies for indigent status for purposes of the PLRA, this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner requesting leave to proceed *in forma pauperis* must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to his prison account in the six-month period immediately preceding the filing of the complaint. From plaintiff's most recent trust fund account statement, 20% of the average monthly deposits to plaintiff's account is \$6.42, but 20% of the average monthly balance is \$73.92. Because the greater of the two amounts is 20% of the average monthly balance, or \$73.92, this is the amount plaintiff is assessed as initial partial payment of the filing fees for cases 16-cv-780-jdp, 16-cv-790-jdp and 16-cv-791.

ORDER

IT IS ORDERED that prison officials are directed to disburse \$6.26 for case 16-cv-752-jdp and \$73.92 each for cases 16-cv-780-jdp, 16-cv-790-jdp and 16-cv-791-jdp from plaintiff's release account for payment of the initial partial filing fees. The payments may be

sent in separate individual checks or in a single check totaling \$228.02. Plaintiff's initial partial filing fee payments are due by January 17, 2017.

Entered this 20th day of December, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge