

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

SCOTT A. BROWN,

Plaintiff,

v.

MICHAEL DITTMANN,

Defendants.

ORDER

Case No. 17-cv-278-jdp

On April 13, 2017, I assessed plaintiff Scott A. Brown an initial partial payment of \$3.69 due by May 5, 2017. Now plaintiff has submitted a motion for an order requiring disbursement of \$3.69 from plaintiff's release account to make the initial partial payment of the filing fee. Plaintiff's general trust fund account lacks sufficient funds, and plaintiff seeks an order requiring disbursement of \$3.69 from plaintiff's release account.

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

IT IS ORDERED that granting plaintiff's motion to use his release account funds to pay his initial partial filing fee. Prison officials are directed to disburse \$3.69 from plaintiff's release account for payment of the initial partial filing fee. Plaintiff's initial partial filing fee is due by May 26, 2017.

Entered this 24th day of April, 2017.

BY THE COURT:

/s/

PETER OPPENEER

Magistrate Judge