

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

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ANDRE DAILEY,

Plaintiff,

v.

J. HILL, et al.

Defendants.

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ORDER

Case No. 17-cv-577-bbc

Plaintiff has submitted a motion for an order directing prison officials to pay the remainder of the filing fees from plaintiff's release savings account. Under the Prison Litigation Reform Act, an inmate who files a lawsuit or an appeal in federal court under the *in forma pauperis* statute must pay the filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income, in accordance with 28 U.S.C. § 1915(b)(2).

The language of 28 U.S.C. § 1915(b)(1) requires prison officials 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). However, with the exception of such initial partial payments, this court does not have the authority to tell state officials whether, and to what extent, a prisoner should be able to withdraw money from a release account. I will deny this motion.

ORDER

IT IS ORDERED that plaintiff Andre Dailey's motion for an order directing prison officials to pay the remainder of the filing fee in this case from plaintiff's release savings account is DENIED.

Entered this 24th day of November, 2020.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge