

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

JOHN F. WRIGHT, JR.,

Plaintiff,
v.

ERIC GLAUM, et al.,

Defendants.

ORDER

17-cv-679-wmc

On September 25, 2017, I entered an order denying plaintiff John F. Wright, Jr.'s motion to waive the \$8.31 initial partial fee assessed to plaintiff for filing this case, but gave plaintiff an extension of time until October 16, 2017 to submit the initial partial payment. Dkt. 5. In the September 25 order, I explained that plaintiff may use his release account funds to pay some or all of the initial partial payment if no funds exists in plaintiff's regular account. Now plaintiff has submitted a motion for an order directing prisoner officials to allow plaintiff to use his release account funds to pay the \$3.81 initial partial payment and to pay for copies and postage. Dkt. 6.

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). Therefore, I will grant plaintiff's motion to use his release account funds to pay the \$3.81 initial partial payment and give plaintiff another extension of time, until November 15, 2017, to submit the \$3.81 initial partial payment.

However, with the exception of 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. Therefore, I will deny plaintiff's motion to use his release account funds to pay for copies and postage.

ORDER

IT IS ORDERED that:

1. Plaintiff John F. Wright, Jr.'s motion directing prison officials to allow plaintiff to use his release account funds to pay the \$3.81 initial partial filing fee is GRANTED. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$3.81 or advise the court in writing why plaintiff is not able to pay on or before November 15, 2017.

2. Plaintiff's motion to use his release account funds to pay for copies and postage is DENIED.

3. If by November 15, 2017, plaintiff fails to pay the \$3.81 initial partial filing fee or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

Entered this 26th day of October, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge