

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

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BOBBY KIMBLE,

Plaintiff,

v.

KARTMAN, et al.

Defendants.

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ORDER

Case No. 17-cv-689-wmc

Plaintiff Bobby Kimble has filed a proposed civil complaint and requested leave to proceed without prepaying the filing fee. To evaluate plaintiff's request to proceed with prepayment of the filing fee, I must review a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit the certified trust fund account statement no later than September 29, 2017. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

With the complaint, plaintiff also filed a motion to use release account funds to pay the entire fee for filing this case. (Dkt. #3). However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use the release account funds to pay the entire balance of the filing fee, and so plaintiff's motion will be denied.

IT IS ORDERED that,

1. Plaintiff Bobby Kimble may have until September 29, 2017 to submit a trust fund account statement for the period beginning approximately March 6, 2017 and ending approximately September 6, 2017. If, by September 29, 2017, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.
2. Plaintiff's motion for use of release account funds to pay the entire filing fee in this case (Dkt. #3) is DENIED.

Entered this 7th day of September, 2017.

BY THE COURT:

PETER OPPENEER  
Magistrate Judge