

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

TYRONE D. ARDS,

Plaintiff,

v.

ELIZABETH KARDER, et al.,

Defendants.

ORDER

Case No. 17-cv-920-jdp

On December 12, 2017, I assessed plaintiff Tyrone D. Ards an initial partial payment of \$0.32 due by January 3, 2018. Now plaintiff has submitted a motion to use release account funds to pay the \$0.32 initial partial filing fee. Dkt. #8. I will grant plaintiff's motion.

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, if sufficient funds do not exist in plaintiff's regular account to pay his initial partial payment, he can use his release account to pay the initial partial payment balance.

ORDER

IT IS ORDERED that:

1. Plaintiff Tyrone D. Ards' motion to use his release account funds to pay the \$0.32 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 \$0.32 or advise the court in writing why plaintiff is not able to pay on or before January 3, 2018.

2. If by January 3, 2018, plaintiff fails to pay the \$0.32 initial partial filing fee or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.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 15th day of December, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge