

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

ANTOINE C. NELSON,

Plaintiff,

v.

CAPT. CHRISTOPHER STEVENS, et al.

Defendants.

ORDER

Case No. 18-cv-238-wmc

Plaintiff Antoine C. Nelson, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff also submitted a letter, which I will construe as motion to use release account funds to pay the entire \$400 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. Therefore, plaintiff cannot use the release account funds to pay the entire \$400 filing fee for this case.

For this case to proceed, plaintiff must pay the \$400 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than April 30, 2018.

A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the *six-month* period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). 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.

ORDER

IT IS ORDERED that,

1. Plaintiff Antoine C. Nelson's motion for use of release account funds to pay the entire filing fee in this case, dkt. 3, is DENIED.

2. Plaintiff Antoine C. Nelson may have until May 1, 2018 to submit either the \$400 filing fee or a motion for leave to proceed without prepayment and a trust fund account statement for the period beginning approximately September 10, 2017 and ending approximately March 10, 2018. If, by May 1, 2018, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw from this action voluntarily.

Entered this 9th day of April, 2018.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge