

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

WILLIAM LEE LYNCH,

Plaintiff,
v.

JENNIFER A. NIMOCKS,

Defendant.

ORDER

Case No. 22-cv-430-wmc

On August 8, 2022, I entered an order assessing plaintiff William Lee Lynch an initial partial payment of \$5.18 in the above case. Now plaintiff filed a letter stating that he cannot pay the initial partial filing fee, which I will construe as a motion to waive the initial partial filing fee.

In 28 U.S.C. § 1915, Congress has dictated the manner in which prisoners must pay the fees for filing federal lawsuits and appeals, and I have no discretion to modify this method. In calculating the amount of plaintiff's initial partial payment in this case, I used the trust fund account statement plaintiff submitted on August 8, 2022, in support of plaintiff's motion for leave to proceed without prepaying the fee. Dkt. 3. That inmate account statement shows that plaintiff has had deposits made to his account, which I was able to calculate plaintiff's average monthly deposits to be \$5.18. Because plaintiff receives regular deposits in his account, I will deny without prejudice plaintiff's motion to waive the initial partial filing fee and give plaintiff an extension of time until October 7, 2022, to submit the \$5.18 initial partial payment. If by October 7, plaintiff is still unable to pay the \$5.18 initial partial payment, plaintiff should submit an updated trust fund account statement or other documentation that shows how his financial situation has changed.

ORDER

IT IS ORDERED that:

1. Plaintiff William Lee Lynch's motion to waive the initial partial payment in the above case, dkt. 5, is DENIED without prejudice.
2. Plaintiff may have an enlargement of time to October 7, 2022, in which to submit a check or money order payable to the clerk of court in the amount of \$5.18 or to submit an updated inmate account statement. If plaintiff does not have enough money in his regular account to pay the \$5.18 initial partial payment, plaintiff may use funds from his release account to pay the \$5.18 initial partial payment.
3. If, by October 7, 2022, plaintiff fails to make the \$5.18 initial partial, or to show cause for his failure to do so, plaintiff will be held to have withdrawn the action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 15th day of September, 2022.

BY THE COURT:

/s/
STEPHEN L. CROCKER
Magistrate Judge