

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SALVADOR S. MARTINEZ,

Plaintiff,

v.

CASE NO. 08-3008-SAC

RONALD E. WURTZ,

Defendant.

O R D E R

This civil malpractice action was dismissed, without prejudice, and all relief was denied on April 24, 2008. The matter is currently before the court for clarification of the amount still owing by plaintiff on the district court filing fee. The full district court filing fee for this civil action was \$350.00. Plaintiff sought leave to proceed without prepayment of fees, and was ordered to pay an initial partial filing fee of \$18.53. Plaintiff paid the initial partial filing fee as ordered on February 25, 2008, and his motion for leave to proceed without prepayment of the full fee was granted on April 24, 2008. As plaintiff was previously informed, he remains obligated under 28 U.S.C. § 1915(b)(1) to pay the remainder of the full filing fee. Thus, plaintiff currently owes the balance of \$331.47.

Plaintiff is currently incarcerated outside this judicial district, at the Federal Correctional Institution, Federal Correctional Complex, Terre Haute, Indiana. The court hereby authorizes plaintiff's current custodian to withhold funds from plaintiff's inmate trust fund account as authorized by and in accordance with 28 U.S.C. § 1915(b)(2), and to forward those funds

to this court.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. §1915(b)(2), the custodian of the facility where plaintiff is currently confined is directed by copy of this Order to collect twenty percent (20%) of the prior month's income each time the amount in plaintiff's trust fund account exceeds ten dollars (\$10.00) and to forward those funds to the clerk of this court for payment of plaintiff's remaining financial obligation to this court, which is currently \$331.47, until this remaining balance is paid in full.

IT IS FURTHER ORDERED that plaintiff is directed to cooperate fully with his custodian in authorizing disbursements to satisfy the filing fee, including but not limited to providing any written authorization required by the custodian or any future custodian to disburse funds from his account.

The clerk is directed to transmit a copy of this Order to plaintiff and to his current custodian at the Federal Correctional Complex, Terre Haute, Indiana.

IT IS SO ORDERED.

Dated this 29th day of May, 2008, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge