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The court has entered the following order:

District: 1
Appeal No. 2011AP001569 W

March 11, 2013

Circuit Court Case No. 2000CF004309

Rafeal D. Newson v. Circuit Court for Milwaukee County

A petition for waiver of fees has been filed in the above matter. The petition establishes indigency for purposes of prosecuting this action.

IT IS ORDERED that the court grants permission to proceed without payment of the filing fee. This order waives only the filing fees in the Supreme Court. It is not a determination of indigency for any other purpose. Indigency may be reevaluated if a request is received for waiver of other fees based on indigency.

AP-3055, 03/2005 Indigent - Filing Fee Waived

2011AP001569 W

Diane M. Fremgen
Clerk of Supreme Court

INC. & INCARCERATED PERSON INDIGENCY DETERMINATION

Appeal No.: _H AP 1569W_   **Petitioner:** _Rafael Johnson_

☐ Trust account information is not provided for eligible prisoner matter; DISMISS CASE:
  * Add the prisoner's institution and DOJ, Civil Litigation Unit to Other Interested Parties (OIP) from the Parties tab.
  * Enter activity code INP.
  * Complete INF/IND activity.
  * CA: Enter DEC-ORD with disposition code of TDIS in CA; Focus on DEC, select form AP-1024
  * SC: Use Sctdis Order in Act 133 Folder, Shr_Clk Dir. Dismiss PRE- submit to 9990, enter M w/ comment "request to waive denied, PRE dismissed w/o prejudice" Dispose of Indigency-enter O w/ comment ORD TDISM. Set remittitur for 30 days, retain copies PRE/responses.

☐ Authorization to withdraw funds not provided; enter CTA. Focus on activity, Print-Select AP-1034; send Authorization.

☐ Waiver of prepayment of filing fee is <u>granted</u>:
  * Add the prisoner's institution and DOJ, Civil Litigation Unit to OIP from the Parties tab, if not already there.
  * Enter activity code INP.
  * Complete INF/IND activity. Focus on activity, Print-Select AP-1028 (freezes acct.)
  * Create an invoice for the filing fee. Add the prisoner as the Responsible Party. Add the institution as an Other Interested Party. Create follow-up for 60 days.
  * Asst. Deputy Clerk-Accounting monitors payments. This Asst. will unfreeze accts. & remove after receipt of all payments.

☐ Filing fee waiver <u>conditionally granted</u>; inmate must make a partial payment equal to the amount in his/her prison accts. with the remainder to be sent by the institution:
  * Add the prisoner's institution and DOJ, Civil Litigation Unit to OIP from the Parties tab.
  * Enter activity code INP with $_____, which is the initial amount due, on the comment line.
  * Complete INF/IND activity. Focus on the activity, Print-Select AP-1026 (freezes acct.)
  * Create an invoice for the $195.00 filing fee with $_____ due within 30 days. Add the prisoner as the Responsible Party & Inst. as OIP.
  * Upon receipt of the partial payment, the Asst. Deputy Clerk-Accounting will issue a letter to the custodian, Custltr.doc, providing the remaining amount due and add CUS activity code.
  * Asst. Deputy Clerk-Accounting monitors payments. This Asst. will unfreeze & remove inst. after receipt of all payments.
  * If the partial filing fee is not paid, the Asst. Deputy Clerk-Accounting refers the matter to the appropriate Deputy Clerk.
  * Submit to staff attorney for a determination on dismissal of the case. If the case is dismissed due to failure to pay the partial fee, enter dismissal as a DEC-ORD with a disposition code of DDIS. Focus on DEC, Print-Select AP-1032. For SC-submit to commissioner.

☐ Filing fee waiver <u>conditionally granted</u>. *Prisoner is not indigent for filing fee*:
  * Add the prisoner's institution and DOJ, Civil Litigation Unit to OIP from the Parties tab.
  * Enter INP activity code.
  * Complete INF/IND activity. Focus on the activity, Print-Select AP-1029.
  * Create an invoice for the filing fee with a due date of 30 days. Add prisoner as Responsible Party and Institution as OIP.
  * If the filing fee is not paid, the Asst. Deputy Clerk-Accounting refers the matter to the appropriate Deputy Clerk.
  * Refer matter to a staff atty/commissioner for failure to pay the filing fee. The staff atty/commissioner will issue an order or direct us to.

☐ IMMINENT DANGER:
  * If a prisoner claims to be in imminent danger, send them a pink petition for waiver of fees/costs.
  * Add the prisoner's institution and DOJ, Civil Litigation Unit to OIP from the Parties tab.
  * Upon filing of the petition, submit it to the Chief Deputy Clerk for indigency determination.
  * Submit petition, w/ indigency determination, to staff attorney w/ a request they inform us how to handle the fee situation — the fee is not waived, but a prisoner in imminent danger does not have to prepay the filing fee or provide trust account stmts. Add prisoner to Responsible Party and Institution as OIP if an invoice is ultimately created.

☐ Filing fee waiver denied. Prisoner is not indigent. Add inst. and DOJ to OIP from Parties tab. Add INP.Complete INF/IND activity. Create invoice for full filing fee payable in 30 days – add Prisoner as Resp. Party & Inst as OIP. Issue AP-1030. If fee is not paid, dismiss.

☐ Payment or Waiver request not received:
  * CA –Enter DEC-ORD with dispositional code of DELQ in CA.Use CA Delinquency dismissal order in Act 133 folder, Shr_Clk Dir
  * SC –Use SCDismuonpymt Order in Act 133 Folder, Shr_Clk.Dir. Dismiss PRE by submit to 9990, enter M w/ comment "PRE dismissed w/c prejudice, failure file pymt of waiver." Dispose of indigency w/ comment ORD DDISM. Set remittitur for 30 days, retain copies of PRE/responses. (Writ: enter DEC-ORD WDIS).

☐ REINSTATEMENT: where petition and/or motion filed after case closed or PRE dismissed:
  * CA – submit to staff attorney.
  * SC – use Order (SCRein-Trust , SCRein-Pymt   or   SCRein Trust & Pymt) in Act 133 Folder on Shr_Clk.Dir. Enter another PRE as of date of reinstatement.

☒ NOT A PRISONER UNDER 1997 WIS. ACT 133--Eligible for <u>total fee waiver</u>, issue form order 3055.   *Out of State inmate*

☐ NOT A PRISONER UNDER 1997 WIS. ACT 133—NOT INDIGENT, issue form CA-3040a; SC-3040b on Shr_Clk Dir. Create an invoice for the filing fee with a 30-day RSP.

5/30/06