

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Marcus O. Singleton v. Ismael R. Ozanne

Singleton v. Ozanne · No. 25-cv-915-wmc · Decided November 21, 2025

SUMMARY

The United States District Court for the Western District of Wisconsin assesses Marcus O. Singleton an initial partial filing-fee payment of \$7.53 under the Prison Litigation Reform Act. The court directs Singleton to pay by December 17, 2025 or explain his inability to do so, and states that failure to comply may result in voluntary dismissal without prejudice. Further proceedings are stayed pending payment and statutory screening of the complaint.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	Andrew R. Wiseman
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	November 21, 2025
DOCKET	25-cv-915-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed without prepaying the filing fee and submitted a certified inmate trust fund account statement. The court addressed the required initial partial filing-fee payment before screening the complaint.
STANDARD OF REVIEW	The court applied the statutory procedure governing indigent prisoner filing fees under 28 U.S.C. § 1915(b)(1) and complaint screening under 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	Unknown; district court order

TOPICS

- prisoners rights
- civil procedure
- civil rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the prisoner plaintiff should be permitted to proceed without prepaying the full filing fee subject to an initial partial payment under 28 U.S.C. § 1915(b)(1).
2. What initial partial filing-fee payment should be assessed based on the plaintiff's inmate trust fund account statement.
3. What consequence should follow if the plaintiff fails to pay the initial partial payment or show cause for nonpayment.

HOLDINGS

1. A prisoner proceeding without prepaying the filing fee must pay an initial partial payment pursuant to 28 U.S.C. § 1915(b)(1), even if the prisoner qualifies for indigent status.
2. The plaintiff is assessed an initial partial filing-fee payment of \$7.53.
3. If the plaintiff fails to pay the initial partial payment by December 17, 2025, or fails to show cause why payment cannot be made, the action will be treated as voluntarily withdrawn and dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), subject to the court's stated reopening conditions.

FACTUAL BACKGROUND

Marcus O. Singleton, a prisoner, submitted a certified inmate trust fund account statement in support of his request to proceed without prepaying the filing fee. Based on the account information, the court calculated his initial partial payment at \$7.53. The court directed that the payment could be drawn from the prisoner's regular account and, if necessary, release account.

PROCEDURAL HISTORY

This action was filed in the Western District of Wisconsin. The court determined the plaintiff qualified for consideration of indigent status, calculated an initial partial payment of \$7.53, and ordered payment by December 17, 2025. The court stayed further action pending payment and screening under the Prison Litigation Reform Act, and conditionally stated that failure to pay or show cause would result in voluntary dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Carter v. Bennett, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005)

OPINION

Marcus O. Singleton v. Ismael R. Ozanne

PER CURIAM.

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

MARCUS O. SINGLETON,

Plaintiff, ORDER v. Case No. 25-cv-915-wmc

ISMAEL R. OZANNE,

Defendant. Plaintiff Marcus O. Singleton has submitted a certified inmate trust fund account statement in support of a motion for leave to proceed without prepaying the filing fee. The court must now determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the filing fee. Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the filing fee pursuant to 28 U.S.C. § 1915(b)(1). Using information from plaintiff's trust fund account statement, I have calculated plaintiff's initial partial payment to be \$7.53. For this case to proceed, plaintiff must submit this amount on or before December 17, 2025. If plaintiff does not have sufficient funds in a regular inmate account to make the initial partial payment, then plaintiff should arrange with prison officials to make the payment from a release account. However, prison officials will draw funds first from plaintiff's regular account and any portion of the initial partial payment remaining from plaintiff's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that:

1. Plaintiff Marcus O. Singleton is assessed an initial partial payment of \$7.53.

Plaintiff must submit a check or money order payable to the clerk of court by December 17, 2025 or advise the court in writing why plaintiff is not able to make the initial partial payment.

2. No further action will be taken in this case until the clerk's office receives the initial partial payment as directed above and the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, the court will issue a separate order.

2. If plaintiff fails to make the initial partial payment by December 17, 2025, or fails to show cause why the payment could not be made, then I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). If plaintiff submits the initial partial payment within 30 days of dismissal, the case will be reopened. The court will not reopen the case after 30 days unless plaintiff makes a showing that they are entitled to relief under Federal Rule of Civil Procedure 60(b). Entered this 21st day of November, 2025. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge