

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Jason Andujar v. New Lisbon Correctional Institution

No. 26-cv-340-wmc (W.D. Wis. Apr. 15, 2026) · No. 26-cv-340-wmc · Decided April 15, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants Jason Andujar leave to proceed without prepaying the filing fee but assesses an initial partial payment of \$40.49 under 28 U.S.C. § 1915(b)(1). The order requires payment or an explanation by May 8, 2026 and states that failure to comply may result in voluntary dismissal without prejudice.

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	April 15, 2026
DOCKET	26-cv-340-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prisoner, submitted a proposed civil-rights action under 42 U.S.C. § 1983 and moved to proceed without prepaying the filing fee. The court granted indigent status, assessed an initial partial filing-fee payment, and deferred further action pending payment and mandatory screening.
PRECEDENTIAL VALUE	unknown
PARTIES	Jason Andujar v. New Lisbon Correctional Institution

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff qualifies to proceed without prepaying the full filing fee based on his indigent status.
2. What initial partial filing-fee payment plaintiff must make under the Prison Litigation Reform Act.
3. What consequence follows if plaintiff fails to pay the initial partial fee or show cause for nonpayment.

HOLDINGS

1. Plaintiff qualifies for indigent status and may proceed without prepaying the full filing fee, subject to the statutory requirement that he pay an initial partial filing fee.
2. Plaintiff must submit an initial partial payment of \$40.49 by May 8, 2026, or advise the court in writing why he cannot make the payment.
3. If plaintiff fails to make the initial partial payment by May 8, 2026, or fails to show cause for nonpayment, the court will treat that failure as a voluntary withdrawal and dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

KEY QUOTATIONS

“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).”

“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).”

FACTUAL BACKGROUND

Jason Andujar is a prisoner in the custody of the Wisconsin Department of Corrections. He submitted a proposed civil action under 42 U.S.C. § 1983, together with a certified copy of his prison trust-fund account statement and a motion to proceed without prepaying the filing fee. The six-month account information was used to calculate an initial partial payment of \$40.49.

PROCEDURAL HISTORY

Jason Andujar submitted a proposed § 1983 civil action, a certified trust-fund account statement, and a motion to proceed without prepaying the filing fee. The court determined that he qualified for indigent status, calculated an initial partial payment of \$40.49, and ordered payment or an explanation by May 8, 2026. The court stated that failure to pay or show cause would be treated as a voluntary withdrawal and would result in dismissal without prejudice, subject to limited reopening procedures.

DISPOSITION

other

CASES CITED

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

OPINION

Jason Andujar v. New Lisbon Correctional Institution
PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN
JASON ANDUJAR,
Plaintiff, ORDER v. Case No. 26-cv-340-wmc
NEW LISBON CORRECTIONAL
INSTITUTION,

Defendants. Plaintiff Jason Andujar, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff has filed a certified copy of a trust fund account statement and a motion for leave to proceed without prepaying the filing fee. After considering the motion and supporting documentation, I conclude that plaintiff qualifies for indigent status. 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 the plaintiff's trust fund account statement for the six-month period preceding the complaint, I have calculated the initial partial payment to be \$40.49. For this case to proceed, plaintiff must submit this amount on or before May 8, 2026. If plaintiff does not have sufficient funds in a regular inmate account to make the initial partial payment, then plaintiff should arrange with prison authorities to make the payment from a release account. However, prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that:

1. Plaintiff Jason Andujar is assessed an initial partial payment of \$40.49. Plaintiff must submit a check or money order payable to the clerk of court by May 8, 2026 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.
3. If plaintiff fails to make the initial partial payment by May 8, 2026, 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 15th day of April, 2026. BY THE COURT: /s/
ANDREW R. WISEMAN
United States Magistrate Judge

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