

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Nicholas J. House v. Dr. K. Hammel, et al.

House v. Hammel · No. 25-cv-1007-wmc · Decided February 24, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin assesses plaintiff Nicholas J. House an initial partial filing-fee payment of \$151.82 under 28 U.S.C. § 1915(b)(1). The court directs payment by March 23, 2026, postpones further action pending payment and screening, and warns that failure to pay or show cause may result in 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	February 24, 2026
DOCKET	25-cv-1007-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 determined the initial partial filing-fee payment required for the action to proceed.
STANDARD OF REVIEW	The court applied the statutory filing-fee requirements for prisoners proceeding in forma pauperis under 28 U.S.C. § 1915(b)(1).
PRECEDENTIAL VALUE	Unpublished trial-court order with limited precedential value.
PARTIES	Nicholas J. House v. Dr. K. Hammel, et al.

TOPICS

- prisoners rights
- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. What initial partial filing-fee payment must the incarcerated plaintiff make under 28 U.S.C. § 1915(b)(1)?
2. What should happen if the plaintiff fails to make the initial partial payment or show cause for his inability to pay?

HOLDINGS

1. An incarcerated litigant proceeding without prepaying the filing fee must pay an initial partial filing fee under 28 U.S.C. § 1915(b)(1), and House's initial partial payment was assessed at \$151.82.
2. If the plaintiff lacks sufficient funds in a regular inmate account to make the initial partial payment, prison officials should draw funds first from the regular account and any remaining amount from the release account.
3. If House fails to make the initial partial payment by March 23, 2026, or fails to show cause for nonpayment, the action will be treated as voluntarily withdrawn and dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), subject to reopening within 30 days upon payment.
4. No further action will be taken until the initial partial payment is received and the complaint is screened as required by the Prison Litigation Reform Act.

KEY QUOTATIONS

“Even when an inmate litigant qualifies for indigent status, the litigant must pay a portion of the filing fee pursuant to 28 U.S.C. § 1915(b)(1).” (Order)

“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).” (Order)

FACTUAL BACKGROUND

Nicholas J. House, an incarcerated plaintiff, 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 an initial partial payment of \$151.82. The court directed payment by March 23, 2026 and provided procedures for payment from regular and release inmate accounts if necessary.

PROCEDURAL HISTORY

House filed a prisoner civil-rights action and moved to proceed without prepaying the filing fee. After reviewing his certified inmate trust fund account statement, the court assessed an initial partial payment of \$151.82, stayed further action pending payment and screening, and warned 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

Nicholas J. House v. Dr. K. Hammel, et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

NICHOLAS J. HOUSE,

Plaintiff, ORDER v. Case No. 25-cv-1007-wmc DR. K. HAMMEL, et al. Defendants. Plaintiff Nicholas J. House 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 an inmate 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 \$151.82. For this case to proceed, plaintiff must submit this amount on or before March 23, 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 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 Nicholas J. House is assessed an initial partial payment of \$151.82.

Plaintiff must submit a check or money order payable to the clerk of court by March 23, 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.

2. If plaintiff fails to make the initial partial payment by March 23, 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 24th day of February, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge