

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN**

Lawrence Giovanni Franklin, Jr. v. CO Guard Anthony et al.

Franklin · No. 25-cv-0906-bhl · Decided November 26, 2025

SUMMARY

The court denied Lawrence Giovanni Franklin, Jr.'s motion for an extension of time to pay an initial partial filing fee and to file an amended complaint. The court held that Franklin had not shown the exceptional circumstances required for relief under Federal Rule of Civil Procedure 60(b) from the prior dismissal of his 42 U.S.C. § 1983 action. The request to file an amended complaint was denied as moot because the case was closed.

OPINION

EUANSITTEERDN S DTAISTTERS CDTIS OTFR WICITS CCOONUSRITN LAWRENCE GIOVANNI FRANKLIN, JR., Plaintiff, v. Case No. 25-cv-0906-bhl CO GUARD ANTHONY et al., Defendants. DECISION AND ORDER Plaintiff Lawrence Giovanni Franklin, Jr., who is incarcerated at the Kenosha County Detention Center, is representing himself in this 42 U.S.C. §1983 action.

On July 17, 2025, the Court ordered Franklin to pay an initial partial filing fee of \$22.89 by August 18, 2025. A few days before the deadline, Franklin filed a motion for an extension of time to pay the fee. The Court granted the motion and warned him that, if the Court did not receive the fee by September 17, 2025, the Court would deny his motion to proceed without prepaying the filing fee and would dismiss this action without prejudice based on his failure to pay the filing fee.

The deadline passed, and Franklin did not pay the fee or inform the Court of why he was unable to do so and, on September 24, 2025, the Court dismissed this action without prejudice based on Franklin's failure to pay the filing fee. Nearly two months later, on November 17, 2025, Franklin filed a letter apologizing for failing to timely pay the fee. He explains that he has "been getting placed in and out of discipline segregation," has not been receiving his mail on time, and his commissary account is blocked.

He states that, if the Court extends his deadline to pay the fee, he will arrange to have someone drop off the payment or pay by phone. Dkt. No. 11. The Court will deny Franklin's motion. Under Fed. R. Civ. P. 60(b), a party may obtain neglect, newly discovered evidence, fraud, misrepresentation, or misconduct. "Rule 60(b) provides for extraordinary relief and may be invoked only upon a showing of exceptional circumstances." *Peacock v. Board of School Comm'rs*, 721 F.2d 210, 213 (7th Cir.

1983) (citations omitted). Although the Court understands that Franklin has experienced some challenges during his incarceration, those challenges are common to nearly all incarcerated individuals and are unlikely to have impacted Franklin's ability to arrange for the submission of the fee.

Moreover, Franklin does not explain why the challenges he identifies prevented him from, at a minimum, informing the Court that he needed more time to comply with the Court's order. Accordingly, because Franklin fails to show that his failure to comply with the Court's order was the result of exceptional circumstances, the Court will deny his request to vacate the judgment and give him more time to pay the fee.

Finally, in his letter, Franklin asks the Court to send him blank amended complaint forms. He also mailed a second letter detailing his claims. To the extent Franklin seeks to file an amended complaint, the Court will deny that motion as moot.

As noted, this case is closed, and the Court has denied Franklin's request to vacate the judgment. If Franklin wants to bring a new case, he may do so, but he will be required to pay a new filing fee for that case. IT IS THEREFORE ORDERED that Franklin's motion for an extension of time to pay the initial partial filing fee and to file an amended complaint (Dkt.

No. 11) is DENIED. Dated at Milwaukee, Wisconsin on November 26, 2025. s/ Brett H. Ludwig
BRETT H. LUDWIG United States District Judge