

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Nathan W. Rickards v. Sawyer County Jail

Rickards · No. 25-cv-1534-pp · Decided February 20, 2026

SUMMARY

The court grants Nathan W. Rickards leave to proceed without prepaying the filing fee and screens his 42 U.S.C. § 1983 complaint under the Prison Litigation Reform Act. Although the Sawyer County Jail lacks capacity to be sued, the court substitutes Sawyer County as the defendant and permits a First Amendment claim concerning an alleged policy barring incarcerated persons from receiving non-legal incoming mail.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 20, 2026
DOCKET	25-cv-1534-pp
DISPOSITION	other
PROCEDURAL POSTURE	The incarcerated plaintiff moved to proceed without prepaying the filing fee and filed a 42 U.S.C. § 1983 complaint. The district court granted leave to proceed in forma pauperis, screened the complaint under the Prison Litigation Reform Act, substituted Sawyer County for the Sawyer County Jail, and permitted a First Amendment correspondence claim to proceed.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens the complaint using the same standard applicable to a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), accepting well-pleaded factual allegations as true and requiring sufficient facts to state a facially plausible claim.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- prisoners rights
- first amendment
- section 1983
- civil procedure
- service of process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the plaintiff could proceed without prepaying the filing fee under the Prison Litigation Reform Act.
2. Whether the Sawyer County Jail has the legal capacity to be sued under 42 U.S.C. § 1983.
3. Whether the complaint plausibly stated a First Amendment claim based on an alleged blanket restriction on incarcerated persons' incoming nonlegal mail.

HOLDINGS

1. The plaintiff may proceed without prepaying the filing fee, subject to payment of the remaining filing fee through deductions from his prisoner trust account.
2. The Sawyer County Jail is not a suable legal entity under § 1983 because it lacks the legal capacity to be sued; Sawyer County is the proper governmental defendant for the alleged policy.
3. The plaintiff may proceed against Sawyer County on a First Amendment claim alleging that a policy prevented incarcerated persons from receiving any incoming nonlegal mail.

KEY QUOTATIONS

“The Sawyer County Jail is not a person—it is not an individual subject to suit under §1983.” (Analysis, subsection C)

“A claim has facial plausibility when the plaintiff pleads factual content that allows a court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (Analysis, subsection A)

“The First Amendment’s guarantee of freedom of speech provides protection from censorship of an incarcerated individual’s incoming and outgoing correspondence.” (Analysis, subsection C)

FACTUAL BACKGROUND

Rickards was a pretrial detainee at the Sawyer County Jail during the relevant events. He alleged that beginning January 1, 2022, the jail stopped allowing incarcerated individuals to receive incoming mail unless it was legal mail, thereby preventing correspondence with friends and family. He filed a grievance and sought monetary damages for the alleged deprivation of his correspondence rights.

PROCEDURAL HISTORY

Nathan W. Rickards filed a pro se complaint alleging that, beginning January 1, 2022, the Sawyer County Jail prohibited incarcerated persons from receiving incoming nonlegal mail. The court previously ordered him to pay an initial partial filing fee of \$6.67, which he paid. On screening, the court held that the jail lacked capacity to be sued, substituted Sawyer County as the defendant, allowed the First Amendment claim to proceed, and ordered service.

DISPOSITION

other

CASES CITED

- *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017)
- *Booker-El v. Superintendent, Ind. State Prison*, 668 F.3d 896, 899 (7th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007)
- *D.S. v. E. Porter Cnty. Sch. Corp.*, 799 F.3d 793, 798 (7th Cir. 2015)
- *Buchanan–Moore v. County of Milwaukee*, 570 F.3d 824, 827 (7th Cir. 2009)
- *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015)
- *Monell v. Dep't of Social Servs. of City of New York*, 436 U.S. 658 (1978)
- *Webb v. Franklin Cnty. Jail*, Case No. 16-cv-1284, 2017 WL 914736, at *2 (S.D. Ill. Mar. 8, 2017)
- *Abraham v. Piechowski*, 13 F. Supp. 2d 870, 877-79 (E.D. Wis. 1998)
- *Whiting v. Marathon Cnty. Sheriff's Dep't*, 382 F.3d 700, 704 (7th Cir. 2004)
- *Rowe v. Shake*, 196 F.3d 778, 782 (7th Cir. 1999)
- *Turner v. Safley*, 482 U.S. 78, 89-91 (1987)
- *Thornburgh v. Abbott*, 490 U.S. 401 (1989)
- *Ortiz v. Downey*, 561 F.3d 664, 669-70 (7th Cir. 2009)
- *Lindell v. Frank*, 377 F.3d 655, 658 (7th Cir. 2004)