

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Michael Jermaine Jones v. Alana Acker, et al.

Jones v. Acker · No. 25-cv-960-jdp · Decided December 30, 2025

SUMMARY

The United States District Court for the Western District of Wisconsin assesses plaintiff Michael Jermaine Jones an initial partial filing-fee payment of \$7.73 under 28 U.S.C. § 1915(b)(1). The order requires payment by January 29, 2026, and provides that failure to pay or show cause 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	December 30, 2025
DOCKET	25-cv-960-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff submitted a certified inmate trust fund account statement in support of a motion for leave to proceed without prepaying the filing fee. The court assessed an initial partial filing-fee payment and deferred further action pending payment and screening of the complaint.
STANDARD OF REVIEW	Not applicable; the order concerns calculation and collection of an initial partial filing fee under the Prison Litigation Reform Act.
PRECEDENTIAL VALUE	Nonprecedential trial-court order
PARTIES	Michael Jermaine Jones v. Alana Acker, et al.

TOPICS

- prisoners rights
- civil procedure
- civil rights

PRACTICE AREAS

- prisoner civil rights
- in forma pauperis proceedings
- filing fees

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed without prepaying the full filing fee and, if so, what initial partial payment was required under the Prison Litigation Reform Act.
2. What procedural consequences would follow if plaintiff failed to make the initial partial payment or show cause for his inability to do so.

HOLDINGS

1. A prisoner proceeding without prepaying the filing fee must pay an initial partial filing-fee payment calculated from the information in the inmate trust fund account statement; Jones was assessed \$7.73.
2. If Jones failed to make the initial partial payment by the deadline or show cause for nonpayment, the court would treat that failure as an indication that he wished to withdraw the action and dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
3. No further action would be taken until the clerk received the initial partial payment and the court completed screening of the complaint under the Prison Litigation Reform Act.

FACTUAL BACKGROUND

Michael Jermaine Jones is an incarcerated plaintiff who submitted a certified inmate trust fund account statement. Based on the account information, the court calculated his initial partial filing-fee payment as \$7.73. The court directed that the payment be made by January 29, 2026 and stated that the action would not proceed until payment and statutory screening were completed.

PROCEDURAL HISTORY

Jones initiated this prisoner civil-rights action and sought leave to proceed without prepaying the filing fee. After reviewing his inmate trust fund account statement, the court calculated an initial partial payment of \$7.73, ordered payment by January 29, 2026, and stated that failure to pay or show cause would result in voluntary 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

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN MICHAEL JERMAINE JONES, Plaintiff, ORDER v. Case No. 25-cv-960-jdp ALANA ACKER, et al., Defendants. Plaintiff Michael Jermaine Jones 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 \$7.73.

For this case to proceed, plaintiff must submit this amount on or before January 29, 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 Michael Jermaine Jones is assessed an initial partial payment of \$7.73. Plaintiff must submit a check or money order payable to the clerk of court by January 29, 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 January 29, 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 30th day of December, 2025. BY THE COURT: /s/ ANDREW R. WISEMAN United States Magistrate Judge