

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Dennis Lonnie Alfred Ward v. G. Griffiths, et al.

Ward v. Griffiths · No. 1:25-cv-844 · Decided February 4, 2026

SUMMARY

The United States District Court for the Western District of Michigan lifts the stay entered for early mediation after the action was not resolved. The order addresses installment payment of the filing fee, directs the Clerk to forward the complaint for service on Defendant G. Griffiths, and sets deadlines for service and appearance.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Ray Kent
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	February 4, 2026
DOCKET	1:25-cv-844
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action in which the court had screened the complaint, granted leave to proceed in forma pauperis, referred the matter to early mediation, and stayed the case pending mediation. After mediation failed, the court lifted the stay and entered orders concerning payment of the filing fee and service of process.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Dennis Lonnie Alfred Ward v. G. Griffiths, et al.

TOPICS

service of process prisoners rights civil rights mediation civil procedure

PRACTICE AREAS

prisoner civil rights civil procedure in forma pauperis procedure

QUESTIONS PRESENTED

1. Whether the stay entered to facilitate early mediation should be lifted after mediation failed.
2. What filing-fee payment obligations apply to a prisoner proceeding in forma pauperis.
3. When the service period begins and what procedures govern service through the U.S. Marshals Service.
4. Whether the defendant must file an answer or other responsive motion before filing an appearance of counsel.

HOLDINGS

1. Because the early mediation program did not resolve the case, the court lifted the stay.
2. A prisoner granted leave to proceed in forma pauperis remains responsible for paying the entire filing fee in installments, including monthly payments of 20 percent of the preceding month's income when the prison trust account exceeds \$10.
3. The 90-day period for service under Federal Rule of Civil Procedure 4(m) begins on the date of the order, and the Clerk must forward the complaint to the U.S. Marshals Service for waiver-request procedures and, if waiver is unsuccessful, formal service.
4. The defendant must file an appearance of counsel within 21 days after service, or within 60 days after a waiver request was sent, but is not required to file an answer or motion in response to the complaint until directed by the court.

FACTUAL BACKGROUND

Dennis Lonnie Alfred Ward brought a prisoner civil-rights action against G. Griffiths and other defendants. The complaint was screened and Ward was granted leave to proceed in forma pauperis. The case was referred to early mediation, but the mediation did not resolve the action.

PROCEDURAL HISTORY

The court reviewed the complaint under 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c), referred the action to the Pro Se Prisoner Civil Rights Litigation Early Mediation Program, and stayed proceedings for mediation. The mediation did not resolve the case. The court therefore lifted the stay, directed installment payment of the filing fee, and ordered service procedures to begin.

DISPOSITION

other

CASES CITED

- *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997)
- *LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013)
- *Hampton v. Hobbs*, 106 F.3d 1281 (6th Cir. 1997)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION _____ DENNIS LONNIE ALFRED WARD, Plaintiff, Case No. 1:25-cv-844 v. Honorable Jane M. Beckering G. GRIFFITHS, et al., Defendants. _____/ ORDER LIFTING STAY AND FOR SERVICE This is a prisoner civil rights action.

The Court previously reviewed the complaint under 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c) to determine whether it was frivolous, malicious, failed to state a claim upon which relief could be granted, or sought monetary relief against a defendant that was immune from such relief.

The Court then referred the case to the Pro Se Prisoner Civil Rights Litigation Early Mediation Program and entered an order staying the case for any purpose other than mediation. The case was not resolved through the early mediation program.

Accordingly, IT IS ORDERED that the stay of this proceeding that was entered to facilitate the mediation is LIFTED. IT IS FURTHER ORDERED that because the Court granted Plaintiff leave to proceed in forma pauperis in an order entered on October 1, 2025, (ECF No. 8), Plaintiff is responsible for paying the entire \$350.00 filing fee in installments, in accordance with 28 U.S.C. § 1915(b).

See *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997), overruled in other part by *LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013); *Hampton v. Hobbs*, 106 F.3d 1281 (6th Cir. 1997). Plaintiff must pay the filing fee through monthly payments of 20 percent of the preceding month's income credited to Plaintiff's prison trust fund account. See 28 U.S.C. § 1915(b)(2).

Accordingly, each month that the amount in Plaintiff's trust account exceeds \$10.00, the agency having custody of Plaintiff shall collect 20 percent of the preceding months' income and remit that amount to the Clerk of this Court.

The agency shall continue to collect monthly payments from Plaintiff's prisoner account until the entire filing fee is paid. IT IS FURTHER ORDERED that the 90-day period for service set forth in Federal Rule of Civil Procedure 4(m) shall run, starting with the date of this order. IT IS FURTHER ORDERED that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to send a request for waiver of service to Defendant G. Griffiths in the manner prescribed by Fed.

R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d). IT IS FURTHER ORDERED that Defendant shall file an appearance of counsel (individual Defendants may appear pro se if

they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent.

Until so ordered by the Court, Defendant is not required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. See 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, the Court will enter a case management order to govern further proceedings in this case. Dated: February 4, 2026 /s/ Ray Kent RAY KENT United States Magistrate Judge