

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Alamin Yussuf v. Astra Iheukumere, et al.

Yussuf · No. 26-cv-476-jdp · Decided May 20, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants Alamin Yussuf leave to proceed without prepaying the filing fee in his 42 U.S.C. § 1983 action. The court assesses an initial partial filing-fee payment of \$11.75, due by June 18, 2026, and states 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	May 20, 2026
DOCKET	26-cv-476-jdp
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner submitted a proposed action under 42 U.S.C. § 1983 and moved to proceed without prepaying the filing fee. The court granted indigent status, assessed an initial partial filing-fee payment, and deferred further proceedings pending payment and statutory screening.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

[prisoners rights](#) [section 1983](#) [civil procedure](#)

PRACTICE AREAS

[prisoner civil rights](#) [in forma pauperis procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

- Whether plaintiff qualified for indigent status and could proceed without prepaying the full filing fee.

2. What initial partial filing-fee payment plaintiff was required to make under the Prison Litigation Reform Act.
3. What consequence would follow if plaintiff failed to make the initial partial payment or show cause for nonpayment.

HOLDINGS

1. Plaintiff qualified to proceed without prepaying the full filing fee, but he remained obligated to pay an initial partial filing fee.
2. Plaintiff was assessed an initial partial filing-fee payment of \$11.75, payable by June 18, 2026.
3. If plaintiff failed to make the initial partial payment by the deadline or failed to show cause for nonpayment, the court would treat the failure as a voluntary withdrawal and dismiss the action without prejudice; the case could be reopened if payment was made within 30 days of dismissal, subject to the order's stated conditions.

KEY QUOTATIONS

“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).” (at 1)

“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).” (at 2)

FACTUAL BACKGROUND

Plaintiff Alamin Yussuf is incarcerated in the custody of the Wisconsin Department of Corrections. He submitted a proposed civil-rights action, a certified trust-fund account statement covering the preceding six months, and a motion to proceed without prepaying the filing fee. Based on the account information, the court calculated an initial partial payment of \$11.75.

PROCEDURAL HISTORY

Alamin Yussuf, a Wisconsin prisoner, filed a proposed § 1983 civil action and submitted a certified trust-fund account statement with a motion to proceed without prepaying the filing fee. The court concluded that he qualified for indigent status, calculated an initial partial payment of \$11.75, and ordered payment by June 18, 2026. The court stated that failure to pay or show cause would be treated as a voluntary withdrawal and would result in dismissal without prejudice, subject to reopening under the conditions specified in the order.

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 ALAMIN YUSSUF, Plaintiff, ORDER v. Case No. 26-cv-476-jdp ASTRA IHEUKUMERE, ET AL., Defendants. Plaintiff Alamin Yussuf, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff has filed a certified copy of a trust fund account statement and a motion for leave to proceed without prepaying the filing fee.

After considering the motion and supporting documentation, I conclude that plaintiff qualifies for indigent status. 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 the plaintiff's trust fund account statement for the six-month period preceding the complaint, I have calculated the initial partial payment to be \$11.75.

For this case to proceed, plaintiff must submit this amount on or before June 18, 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 authorities to make the payment from a release account.

However, prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005). ORDER IT IS ORDERED that: 1. Plaintiff Alamin Yussuf is assessed an initial partial payment of \$11.75. Plaintiff must submit a check or money order payable to the clerk of court by June 18, 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. 3. If plaintiff fails to make the initial partial payment by June 18, 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 20th day of May, 2026.
BY THE COURT: /s/ ANDREW R. WISEMAN United States Magistrate Judge

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