

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

Clifton Terron Lee v. Sarah Schroeder et al.

Lee v. Schroeder · No. 2:25-cv-228 · Decided December 3, 2025

SUMMARY

This order in a prisoner civil rights action lifts a stay imposed for early mediation and directs service of the complaint on identified defendants. It also addresses installment payment of the filing fee under 28 U.S.C. § 1915, establishes the service period, and sets deadlines for defendants to enter appearances. Service is not ordered for unidentified John Doe defendants because the plaintiff has not provided sufficient identifying information.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Northern Division
WRITING FOR THE COURT	Ray Kent
DECIDED	December 3, 2025
DOCKET	2:25-cv-228
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil rights action under 42 U.S.C. § 1983, the court lifted a stay entered for early mediation and issued directions concerning payment of the filing fee and service of process.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Clifton Terron Lee v. Sarah Schroeder et al.

TOPICS

- service of process
- prisoners rights
- section 1983
- mediation
- civil procedure

PRACTICE AREAS

- Prisoner civil rights
- Civil procedure
- In forma pauperis procedure
- Service of process

QUESTIONS PRESENTED

1. Whether the stay entered to facilitate early mediation should be lifted after the case was removed from mediation.
2. How Plaintiff must pay the statutory filing fee after being granted leave to proceed in forma pauperis.
3. How and when the identified defendants must be served and appear in the action.
4. Whether the United States Marshals Service must identify unknown defendants whom Plaintiff has not sufficiently identified.

HOLDINGS

1. The stay entered to facilitate mediation was lifted after the case was removed from the early mediation program.
2. A prisoner granted leave to proceed in forma pauperis remains responsible for paying the entire \$350 filing fee through monthly installment payments.
3. The 90-day period for service under Federal Rule of Civil Procedure 4(m) begins on the date of this order, and the Clerk must forward the complaint to the United States Marshals Service for service on the identified defendants.
4. The court was not required to order the Marshals Service to identify five unknown defendants whom Plaintiff had not sufficiently identified.

KEY QUOTATIONS

“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.”

“While the United States Marshal Service is expected to make a reasonable effort to serve identified Defendants on behalf of plaintiffs proceeding in forma pauperis, the Marshal Service is not required to identify the individuals to be served.”

FACTUAL BACKGROUND

Plaintiff is a prisoner who filed a civil rights action and was granted leave to proceed in forma pauperis. The court determined that allegations against four identified defendants were sufficient to warrant service, but Plaintiff had not provided enough information to identify five John Doe defendants for service.

PROCEDURAL HISTORY

The court partially dismissed the complaint under 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c) for failure to state a claim, granted Plaintiff leave to proceed in forma pauperis, and referred the case to an early mediation program. After the case was removed from mediation, the court lifted the stay, established the filing-fee payment procedure, and directed service on identified defendants.

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)
- Byrd v. Stone, 94 F.3d 217, 219 (6th Cir. 1996)

OPINION

Schroeder

PER CURIAM.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CLIFTON TERRON LEE,

Plaintiff, Case No. 2:25-cv-228 v. Honorable Ray Kent SARAH SCHROEDER et al., Defendants.

ORDER LIFTING STAY AND FOR SERVICE

This is a prisoner civil rights action. In an opinion and order (ECF Nos. 4, 5) entered on October 20, 2025, the Court partially dismissed Plaintiff's complaint, pursuant to 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c), for failure to state a claim upon which relief could be granted. 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. (ECF No. 6.) The case was removed from early mediation on November 25, 2025. (ECF No. 8.) 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 its October 20, 2025, order (ECF No. 5), 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 mail a request for waiver of service to Defendants Giotto,

Lawry, Gregurash, and Nachtman¹ 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 Defendants Giotto, Lawry, Gregurash, and Nachtman 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, no Defendant is 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 1 Plaintiff's allegations are sufficient to warrant service of the complaint against Unknown Parties, referred to as John Does 1-5. However, the Court is unable to order service on those Defendants because Plaintiff has not provided sufficient information to identify them. While the United States Marshal Service is expected to make a reasonable effort to serve identified Defendants on behalf of plaintiffs proceeding in forma pauperis, the Marshal Service is not required to identify the individuals to be served. See *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996) (“[W]hen a plaintiff is proceeding in forma pauperis the court is obligated to issue plaintiff's process to a United States Marshal who must in turn effectuate service upon the defendants . . . once reasonable steps have been taken to identify for the court the defendants named in the complaint.”) (emphasis added). 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: December 3, 2025 /s/ Ray Kent Ray Kent United States Magistrate Judge