

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

William Joseph Somers v. Western States Envelope & Label Inc., et
al.

Somers · No. 26-cv-0058-bhl · Decided April 9, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin screens William Joseph Somers’s amended pro se complaint against Western States Envelope & Label Inc., Rose Montalvo, and Kevin Loy. The court allows claims for FLSA retaliation, unpaid overtime, and unpaid Wisconsin wages to proceed, while noting that any recovery from a state agency may affect potential double recovery.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 9, 2026
DOCKET	26-cv-0058-bhl
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se plaintiff’s amended complaint after the court granted in forma pauperis status, dismissed the initial complaint for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screens an IFP complaint and must dismiss it if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. A pro se complaint is liberally construed and must satisfy Federal Rule of Civil Procedure 8(a)(2) by stating a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district-court screening order

TOPICS

- flsa
- retaliation
- wage and hour
- pleadings
- service of process

PRACTICE AREAS

employment law

wage and hour

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged FLSA retaliation based on Somers's wage complaints, adverse employment actions, and a causal connection.
2. Whether the amended complaint plausibly alleged unpaid overtime under the FLSA.
3. Whether the amended complaint plausibly alleged unpaid wages under Wisconsin Statute § 109.03.
4. Whether the court could resolve at the screening stage whether prior relief from a state agency barred duplicative recovery.

HOLDINGS

1. The amended complaint plausibly stated an FLSA retaliation claim because Somers alleged protected wage complaints, adverse actions consisting of probation extension and termination, and a plausible causal connection based on the temporal proximity of the events.
2. The amended complaint plausibly stated an FLSA unpaid-overtime claim because Somers alleged that he performed overtime work arising from pre-shift work and was not properly compensated.
3. The amended complaint plausibly stated a Wisconsin unpaid-wages claim against Western States because Somers alleged that the company failed to pay him for hours worked and failed to pay a \$500 sign-on bonus.
4. The court declined to decide at screening whether Somers's claims were barred or limited because he had already obtained relief from a state agency; the record did not permit resolution of that issue at that stage.

KEY QUOTATIONS

“To survive screening, the complaint must comply with the Federal Rules and state at least plausible claims for which relief may be granted.” (Analysis)

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

“Accordingly, IT IS HEREBY ORDERED that, pursuant to Fed. R. Civ. P. 4(c)(3), the U.S. Marshals Service shall serve a copy of the complaint, waiver of service form and/or the summons, and this order upon the defendants.” (Conclusion)

FACTUAL BACKGROUND

Western States hired Somers as a maintenance mechanic at its Butler, Wisconsin facility in August 2024. Somers alleged that he routinely worked 10 to 15 minutes before his scheduled start time, but Western States rounded his time down and did not pay him for that work or resulting overtime. After Somers complained about his wages, including by email and to the Wisconsin Department of Workforce Development, Western States extended his

probation and terminated him the next day after his agency contact. A Wisconsin agency later determined that Western States owed Somers \$1,034.05 for unpaid work and bonus wages.

PROCEDURAL HISTORY

Somers filed suit on January 13, 2026, and moved to proceed in forma pauperis. The court granted IFP status, screened the initial complaint, found it deficient, and granted leave to amend. Somers filed a second amended complaint adding Rose Montalvo and Kevin Loy as defendants. On screening, the court held that the amended complaint plausibly stated FLSA retaliation, FLSA unpaid-overtime, and Wisconsin unpaid-wages claims, allowed all three claims to proceed, and ordered service and responsive pleadings.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014, 1018 (7th Cir. 2013)
- Sloan v. American Brain Tumor Association, 901 F.3d 891, 894 (7th Cir. 2018)
- Kellar v. Summit Seating Inc., 664 F.3d 169, 173 (7th Cir. 2011)
- Humphrey v. Tharaldson Enterprises, Inc., 95 F.3d 624, 626-27 (7th Cir. 1996)
- Staats v. County of Sawyer, 220 F.3d 511, 515-18 (7th Cir. 2000)