

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Randall Bradford v. Ms. Stuttgen, et al.

Bradford v. Stuttgen · No. 26-cv-321-jdp · Decided April 13, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants Randall Bradford 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 \$30.69, due by May 4, 2026, and states that failure to pay or show cause will 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	April 13, 2026
DOCKET	26-cv-321-jdp
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner plaintiff filed a proposed action under 42 U.S.C. § 1983 and moved for leave to proceed without prepaying the filing fee. The court granted indigent status, assessed an initial partial filing-fee payment, and stayed further action pending payment and statutory screening.
PRECEDENTIAL VALUE	Unpublished district court order with limited precedential value

TOPICS

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

PRACTICE AREAS

[civil procedure](#) [civil rights](#) [prisoner litigation](#) [filing fees](#) [in forma pauperis proceedings](#)

QUESTIONS PRESENTED

- Whether the prisoner plaintiff qualifies to proceed without prepaying the full filing fee.
- What initial partial filing-fee payment the plaintiff must make under the Prison Litigation Reform Act.

3. What procedural consequence follows if the plaintiff fails to pay the initial partial fee or explain his inability to do so.

HOLDINGS

1. A prisoner who qualifies for indigent status must nevertheless pay the initial partial filing fee required by 28 U.S.C. § 1915(b)(1), calculated from information in the prison trust-fund account statement for the preceding six-month period. Bradford's initial partial payment was \$30.69.
2. No further action will be taken until the clerk receives the initial partial payment and the court screens the complaint as required by the Prison Litigation Reform Act.
3. If Bradford fails to make the initial partial payment by May 4, 2026, or fails to show cause for nonpayment, the court will treat that failure as a voluntary withdrawal and dismiss the action without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

FACTUAL BACKGROUND

Randall Bradford is a prisoner in the custody of the Wisconsin Department of Corrections who submitted a proposed civil-rights action under 42 U.S.C. § 1983. He provided a certified trust-fund account statement covering the six months preceding the complaint and sought leave to proceed without prepaying the filing fee. Based on that statement, the court calculated an initial partial payment of \$30.69.

PROCEDURAL HISTORY

Randall Bradford, a Wisconsin prisoner, submitted a proposed § 1983 civil action, a certified trust-fund account statement, and a motion to proceed without prepaying the filing fee. The court determined that he qualified for indigent status, calculated an initial partial payment of \$30.69, and ordered payment or an explanation by May 4, 2026. The court stated that failure to pay or show cause would result in a presumed voluntary withdrawal and dismissal without prejudice, subject to possible reopening under specified conditions.

DISPOSITION

other

CASES CITED

- Carter v. Bennett, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005)

OPINION

Stuttgen

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

RANDALL BRADFORD,

Plaintiff, ORDER v. Case No. 26-cv-321-jdp MS. STUTTGEN, et al. Defendants. Plaintiff

Randall Bradford, 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 \$30.69. For this case to proceed, plaintiff must submit this amount on or before May 4, 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 Randall Bradford is assessed an initial partial payment of \$30.69.

Plaintiff must submit a check or money order payable to the clerk of court by May 4, 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 May 4, 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 13th day of April, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge