

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Alfonzo Wells, Jr. v. Lucas Winker, Sgt. Heiser, Devin Anderson, J. Underly, Michael Polasky, Journal Times, Lee Enterprise Newspaper, Sgt. Neighbors, Mike Boyd, Raymond Robert Rutz, III, Kurt Heiser, James Willis, and Andrew Willis; Alfonzo Wells, Jr. v. Racine County Jail, William Dale, Securus, Aramark, Anderson, Sergeant Hesthaven, Letica, Racine County Jail Medical, C.O. Noonan, Racine County/County of Racine, Aventive, Evan Glaser, and Chad Cornell

Wells v. Winker; Wells v. Racine County Jail · No. 25-cv-1033-jdp; 26-cv-204-jdp · Decided May 5, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin addresses two civil-rights actions filed by Alfonzo Wells, Jr., concerning his failure to make initial partial filing-fee payments required under the Prison Litigation Reform Act. The court denies or defers several motions, grants Wells until June 1 to submit the required payments or document jail staff's alleged interference, and warns that failure to comply may result in dismissal. The court also denies as premature or unnecessary motions concerning judicial substitution, appointment of counsel, and exhaustion of administrative remedies.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	May 5, 2026
DOCKET	25-cv-1033-jdp; 26-cv-204-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Order addressing motions in two pro se prisoner civil-rights actions before screening, including motions to waive or extend the initial partial filing fee, motions concerning assignment of the judge, a motion for recruitment of counsel, and a motion concerning exhaustion of administrative remedies.

STANDARD OF REVIEW	The court applied the statutory requirements governing initial partial filing fees under the Prison Litigation Reform Act and exercised discretion regarding extensions, premature motions, and case administration.
PRECEDENTIAL VALUE	unpublished district court order; persuasive at most
PARTIES	Alfonzo Wells, Jr. v. Lucas Winker, Sgt. Heiser, Devin Anderson, J. Underly, Michael Polasky, Journal Times, Lee Enterprise Newspaper, Sgt. Neighbors, Mike Boyd, Raymond Robert Rutz, III, Kurt Heiser, James Willis, Andrew Willis, Racine County Jail, William Dale, Securus, Aramark, Anderson, Sergeant Hesthaven, Letica, Racine County Jail Medical, C.O. Noonan, Racine County/County of Racine, Aventive, Evan Glaser, Chad Cornell

TOPICS

civil procedure prisoners rights civil rights sanctions

PRACTICE AREAS

civil procedure prisoner civil rights in forma pauperis proceedings filing fees

QUESTIONS PRESENTED

1. Whether Wells was entitled to waive or defer the initial partial filing fees under 28 U.S.C. § 1915(b)(1).
2. Whether Wells should receive additional time to submit the initial partial filing fees and what documentation he must provide if jail staff prevent payment.
3. Whether Wells was entitled to substitution or appointment of the chief district judge.
4. Whether Wells's requests for recruitment of counsel and for relief concerning exhaustion of administrative remedies were premature.

HOLDINGS

1. A prisoner who is subject to 28 U.S.C. § 1915(b)(1) must submit the required initial partial filing fee, and Wells did not establish grounds for waiving that requirement.
2. The court granted Wells one final opportunity, until June 1, 2026, to submit the initial partial payments in both cases or provide the specified evidence and sworn declarations explaining why payment could not be made.
3. Wells was not entitled to substitution or appointment of the chief district judge because the case was properly assigned to the district judge, while the magistrate judge handled routine in forma pauperis filing-fee matters.
4. Wells's motion for recruitment of counsel was premature before payment and screening, and his exhaustion-related motion was unnecessary because exhaustion is an affirmative defense that defendants

must raise and prove.

KEY QUOTATIONS

“jail staff are obligated under 28 U.S.C. § 1915(b) to facilitate a prisoner’s payment of the filing fee.”

“If Wells does not submit his initial partial payments or comply with the above instructions by June 1, I will dismiss both cases without prejudice for failing to submit an initial partial payment of the filing fee.”

FACTUAL BACKGROUND

Wells filed two prisoner lawsuits and sought to waive or defer the initial partial filing fees, asserting that he lacked funds or that jail staff prevented payment. His trust-account statements showed balances exceeding \$200 and regular deposits, leading to assessments of \$50.64 in the 25-cv-1033 case and \$48.59 in the 26-cv-204 case. After several changing explanations and requests for extensions, Wells submitted a jail request form suggesting that he had asked staff to send the payments, although the form did not show who received it or how staff responded.

PROCEDURAL HISTORY

Wells filed two lawsuits in the Western District of Wisconsin, one concerning law-enforcement conduct and one concerning jail conditions. Magistrate Judge Wiseman assessed initial partial filing fees under the Prison Litigation Reform Act after reviewing Wells's trust-account statements, and granted several extensions in the first case. The district judge denied or deferred the pending motions as specified in the order, granted one final extension through June 1, 2026, and warned that failure to pay or comply with specified evidentiary instructions would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Kalinowski v. Bond, 358 F.3d 978, 978-79 (7th Cir. 2004)
- Martin v. United States, 96 F.3d 853, 856 (7th Cir. 1996)
- Teague v. Mayo, 553 F.3d 1068, 1071 (7th Cir. 2009)
- Davis v. Mason, 881 F.3d 982, 985 (7th Cir. 2018)