

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Leon Jovani Banks v. Robert Rymarcik, et al.

Banks · No. 26-cv-232-WMC · Decided April 17, 2026

SUMMARY

The court assesses plaintiff Leon Jovani Banks an initial partial filing-fee payment of \$1.57 under 28 U.S.C. § 1915(b)(1). It directs him to pay or explain his inability to pay by May 11, 2026, and warns that failure to do so 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	April 17, 2026
DOCKET	26-cv-232-WMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff submitted a certified inmate trust fund account statement in support of a motion for leave to proceed without prepaying the filing fee. The court determined the initial partial filing-fee payment required before the action could proceed.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

prisoners rights

civil procedure

PRACTICE AREAS

civil procedure

prisoner litigation

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed without prepaying the full filing fee while remaining subject to the Prison Litigation Reform Act's initial partial-payment requirement.

2. What amount plaintiff was required to pay as an initial partial filing-fee payment before the action could proceed.

HOLDINGS

1. Even when a prisoner litigant qualifies for indigent status, the litigant must pay an initial partial portion of the filing fee under 28 U.S.C. § 1915(b)(1).
2. Plaintiff was assessed an initial partial payment of \$1.57.

FACTUAL BACKGROUND

Plaintiff Leon Jovani Banks is an incarcerated litigant who submitted a certified inmate trust fund account statement. Based on the account information, the court calculated an initial partial filing-fee payment of \$1.57.

PROCEDURAL HISTORY

This action was pending in the United States District Court for the Western District of Wisconsin. Before screening the complaint under the Prison Litigation Reform Act, the court assessed an initial partial filing-fee payment and directed plaintiff either to pay \$1.57 by May 11, 2026, or explain why he could not do so.

DISPOSITION

other

CASES CITED

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

OPINION

Leon Jovani Banks v. Robert Rymarcik, et al

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

LEON JOVANI BANKS,

Plaintiff, ORDER v. Case No. 26-cv-232-wmc ROBERT RYMARCIWISK, et al, Defendants.

Plaintiff Leon Jovani Banks has submitted a certified inmate trust fund account statement in support of a motion for leave to proceed without prepaying the filing fee. The court must now determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the filing fee. 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 plaintiff's trust fund account statement, I have calculated plaintiff's initial partial payment to be \$1.57. For this case to proceed, plaintiff must submit this amount on or before May 11, 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 officials to make the payment from a release account. However, prison officials will draw funds first from plaintiff's regular account and any portion of the initial partial payment remaining from plaintiff's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that:

1. Plaintiff Leon Jovani Banks is assessed an initial partial payment of \$1.57.

Plaintiff must submit a check or money order payable to the clerk of court by May 11, 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.

2. If plaintiff fails to make the initial partial payment by May 11, 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 17th day of April, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge