

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WISCONSIN

**Gilbert Richards v. Eric Bisch, et al.**

Richards v. Bisch · No. 26-cv-280-jdp · Decided April 3, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants Gilbert Richards leave to proceed without prepaying the filing fee but assesses an initial partial payment of \$4.46 under 28 U.S.C. § 1915(b)(1). The court directs payment by April 27, 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 3, 2026                                                                                                                                                                                                                                                                                                               |
| DOCKET                | 26-cv-280-jdp                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | An inmate plaintiff submitted a proposed 42 U.S.C. § 1983 action, a certified trust-fund account statement, and a motion 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    | Unknown; district-court order with no reported citation.                                                                                                                                                                                                                                                                    |

TOPICS

prisoners rights

section 1983

civil procedure

PRACTICE AREAS

prisoner civil rights

civil procedure

in forma pauperis proceedings

QUESTIONS PRESENTED

- Whether the inmate plaintiff qualified to proceed without prepaying the full filing fee.

2. Whether the court was required to assess an initial partial filing-fee payment under the Prison Litigation Reform Act.
3. What consequence should follow if plaintiff failed to make the initial partial payment or show cause for nonpayment.

#### **HOLDINGS**

1. Plaintiff qualifies for indigent status and may proceed without prepaying the full filing fee, subject to the statutory filing-fee requirements.
2. An inmate who qualifies for indigent status must pay an initial partial filing fee under 28 U.S.C. § 1915(b)(1); plaintiff's initial partial payment was \$4.46.
3. If plaintiff fails to make the initial partial payment by the deadline or fails to show cause for nonpayment, the court will treat the failure as a voluntary withdrawal and dismiss the action without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), subject to the stated reopening conditions.

#### **FACTUAL BACKGROUND**

Gilbert Richards is an inmate in the custody of the Dane County Jail in Madison, Wisconsin. He submitted a proposed civil action under 42 U.S.C. § 1983, a certified copy of his inmate trust-fund account statement, and a motion to proceed without prepaying the filing fee. The six-month account information supported an initial partial filing-fee assessment of \$4.46.

#### **PROCEDURAL HISTORY**

Plaintiff initiated a proposed prisoner civil-rights action in the Western District of Wisconsin and moved to proceed without prepaying the filing fee. Based on the trust-fund account statement, the court determined that plaintiff qualified for indigent status and calculated an initial partial payment of \$4.46. The court ordered payment by April 27, 2026 and stated that failure to pay or show cause would be treated as a voluntary withdrawal, resulting in dismissal without prejudice, subject to possible reopening.

#### **DISPOSITION**

other

#### **CASES CITED**

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

#### **OPINION**

Gilbert Richards v. Eric Bisch, et al

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

GILBERT RICHARDS,

Plaintiff, ORDER v. Case No. 26-cv-280-jdp ERIC BISCH, et al, Defendants. Plaintiff Gilbert Richards, an inmate in the custody of the Dane County Jail in Madison, Wisconsin, 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 an inmate 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 \$4.46. For this case to proceed, plaintiff must submit this amount on or before April 27, 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 Gilbert Richards is assessed an initial partial payment of \$4.46. Plaintiff must submit a check or money order payable to the clerk of court by April 27, 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 April 27, 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 3rd day of April, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge