

**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.

OPINION

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