

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

James Curtis v. Peter Jaeger, et al.

Curtis v. Jaeger · No. 26-cv-337-wmc · Decided April 30, 2026

SUMMARY

The court grants James Curtis leave to proceed without prepaying the filing fee but assesses an initial partial payment of \$3.86 under the Prison Litigation Reform Act. The order requires payment or an explanation by May 21, 2026 and states that failure to comply may result in voluntary 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 30, 2026
DOCKET	26-cv-337-wmc
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner plaintiff submitted a proposed action under 42 U.S.C. § 1983, moved to proceed without prepaying the filing fee, and submitted a certified trust fund account statement. 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PRECEDENTIAL VALUE	unpublished district court order; generally nonprecedential
PARTIES	James Curtis v. Peter Jaeger, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the prisoner plaintiff qualified to proceed without prepaying the 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 would follow if plaintiff failed to pay the initial partial fee or explain his inability to pay.

HOLDINGS

1. Plaintiff qualifies for indigent status and may proceed without prepaying the full filing fee.
2. A prisoner who qualifies for indigent status must nevertheless pay an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1), calculated from the prisoner's trust fund account information for the preceding six months.
3. No further action will be taken until the clerk receives the initial partial payment and the court completes screening of the complaint as required by the Prison Litigation Reform Act.

KEY QUOTATIONS

“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).”

“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).”

FACTUAL BACKGROUND

James Curtis is a prisoner in the custody of the Wisconsin Department of Corrections. He submitted a proposed civil-rights action, a certified trust fund account statement, and a motion to proceed without prepaying the filing fee. Based on the account information for the six months preceding the complaint, the court calculated an initial partial payment of \$3.86.

PROCEDURAL HISTORY

Plaintiff filed a proposed § 1983 civil action and sought leave to proceed without prepaying the filing fee. The court determined that plaintiff qualified for indigent status, calculated an initial partial payment of \$3.86, and ordered payment or an explanation of inability to pay by May 21, 2026. The court stated that failure to pay or show cause would result in voluntary dismissal without prejudice, subject to limited reopening procedures.

DISPOSITION

other

CASES CITED

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

OPINION

James Curtis v. Peter Jaeger, et al

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES CURTIS,

Plaintiff, ORDER v. Case No. 26-cv-337-wmc PETER JAEGER, et al, Defendants. Plaintiff James Curtis, 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 \$3.86. For this case to proceed, plaintiff must submit this amount on or before May 21, 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 James Curtis is assessed an initial partial payment of \$3.86. Plaintiff must submit a check or money order payable to the clerk of court by May 21, 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 21, 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 30th day of April, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge

