

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Christopher Brugger v. Ryan Kimberly, et al.

Brugger · No. Case No. 26-cv-419-jdp · Decided May 26, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin assesses plaintiff Christopher Brugger an initial partial filing-fee payment of \$43.78 under 28 U.S.C. § 1915(b)(1). The court directs payment by June 17, 2026 and states that failure to pay or show cause may result in dismissal without prejudice, subject to possible reopening.

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	May 26, 2026
DOCKET	Case No. 26-cv-419-jdp
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PRECEDENTIAL VALUE	unpublished

TOPICS

prisoners rights

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

- Whether plaintiff qualified to proceed without prepaying the full filing fee and, if so, what initial partial payment was required under the Prison Litigation Reform Act.

2. What procedural consequences would follow if plaintiff failed to submit the initial partial payment or show cause for nonpayment.

HOLDINGS

1. An inmate proceeding under the in forma pauperis provisions must pay an initial partial filing-fee payment under 28 U.S.C. § 1915(b)(1), and plaintiff's initial partial payment was assessed at \$43.78.
2. If plaintiff fails to make the initial partial payment by the specified deadline or fails to show cause for nonpayment, the court will treat the failure as an indication that plaintiff wishes to withdraw the action and will dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
3. No further action will be taken until the initial partial payment is received and the complaint is screened as required by the Prison Litigation Reform Act.

FACTUAL BACKGROUND

Christopher Brugger is an inmate who sought to proceed without prepaying the filing fee. He submitted a certified inmate trust fund account statement. Based on the account information, the court calculated an initial partial payment of \$43.78.

PROCEDURAL HISTORY

Plaintiff initiated this prisoner civil-rights action and moved for leave to proceed without prepaying the filing fee. After reviewing his certified trust fund account statement, the court assessed an initial partial payment of \$43.78, stayed further action pending payment and screening, and warned that failure to pay or show cause would result in voluntary dismissal without prejudice.

DISPOSITION

other

CASES CITED

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

OPINION

Christopher Brugger v. Ryan Kimberly, et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER BRUGGER,

Plaintiff, ORDER v. Case No. 26-cv-419-jdp RYAN KIMBERLY, et al., Defendants. Plaintiff Christopher Brugger 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 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 plaintiff's trust fund account statement, I have calculated plaintiff's initial partial payment to be \$43.78. For this case to proceed, plaintiff must submit this amount on or before June 17, 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 Christopher Brugger is assessed an initial partial payment of \$43.78.

Plaintiff must submit a check or money order payable to the clerk of court by June 17, 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 June 17, 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 26th day of May, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge