

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN**

**Eric Morris v. A. DeGroot, Chris Stevens, Emily Davidson, and C.
O'Donnell**

Morris · No. 26-cv-0091-bhl · Decided February 27, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Eric Morris leave to proceed in forma pauperis in his 42 U.S.C. § 1983 action. The court finds that his complaint fails to state a constitutional claim based solely on an alleged violation of a state prison recreation policy, but permits him to file an amended complaint by March 30, 2026. The order also directs collection of the remaining filing fee balance from Morris's prison trust account.

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN ERIC MORRIS, Plaintiff, v. Case No. 26-cv-0091-bhl A. DEGROOT, CHRIS STEVENS, EMILY DAVIDSON, and C. O'DONNELL, Defendants. SCREENING ORDER Plaintiff Eric Morris, who is currently serving a state prison sentence at the Green Bay Correctional Institution and representing himself, filed a complaint under 42 U.S.C. §1983, alleging that his civil rights were violated.

This matter comes before the Court on Morris' motion for leave to proceed without prepaying the full filing fee and to screen the complaint. MOTION TO PROCEED WITHOUT PREPAYING THE FILING FEE Morris has requested leave to proceed without prepaying the full filing fee (in forma pauperis). A prisoner plaintiff proceeding in forma pauperis is required to pay the full amount of the \$350.00 filing fee over time.

See 28 U.S.C. §1915(b)(1). As required under 28 U.S.C. §1915(a)(2), Morris has filed a certified copy of his prison trust account statement for the six- month period immediately preceding the filing of his complaint and has been assessed and paid an initial partial filing fee of \$6.53. Morris' motion for leave to proceed without prepaying the filing fee will be granted.

SCREENING OF THE COMPLAINT The Court has a duty to review any complaint in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity and must dismiss any complaint or portion thereof if the prisoner has raised any claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief.

28 U.S.C. §1915A(b). In screening a complaint, the Court must determine whether the complaint complies with the Federal Rules of Civil Procedure and states at least plausible claims for which relief may be granted. To state a cognizable claim under the federal notice pleading system, a plaintiff is required to provide a “short and plain statement of the claim showing that [he] is entitled to relief.” Fed.

R. Civ. P. 8(a)(2). It must be at least sufficient to provide notice to each defendant of what he or she is accused of doing, as well as when and where the alleged actions or inactions occurred, and the nature and extent of any damage or injury the actions or inactions caused. “The pleading standard Rule 8 announces does not require ‘detailed factual allegations,’ but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 555 (2007)). “The tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* A complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 556. “[T]he complaint’s allegations must be enough to raise a right to relief above the speculative level.” *Id.* at 555 (internal quotations omitted).

ALLEGATIONS OF THE COMPLAINT Morris asserts that on November 26, 2025, he submitted an inmate complaint about the cancellation of recreation in violation of DOC policy 309.36, which states that institutions must permit inmates to participate in leisure time activities for at least four hours per week. He states that the inmate complaint and his subsequent appeal were affirmed.

THE COURT’S ANALYSIS Morris fails to state a claim upon which relief can be granted because the complaint does not include sufficient factual matter for the Court to reasonably infer that his constitutional rights were violated. Morris alleges that Defendants agreed that the DOC recreation policy was violated, “[b]ut violation of a prison policy alone does not violate the Constitution or suggest deliberate indifference.” *Schroeder v. Sawall*, 747 F. App’x 429, 431 (7th Cir.

2019) (citing *Langston v. Peters*, 100 F. 3d 1235, 1238 (7th Cir. 1996)). Morris includes no details about who cancelled his recreation time, how long it was cancelled, why it was cancelled, or how the cancellation impacted him. Without this information, the Court cannot reasonably infer that his constitutional rights were violated. See *Ashcroft*, 556 U.S. at 678 (“The pleading standard Rule 8 announces does not require ‘detailed factual allegations,’ but it demands more than an unadorned, the-defendant-unlawfully- harmed-me accusation.”).

The Seventh Circuit has explained that the norm is to afford a plaintiff at least one opportunity to amend his complaint. See *Zimmerman v. Bornick*, 25 F.4th 491, 494 (7th Cir. 2022). Accordingly, if Morris believes he can cure the deficiencies identified in this decision, he may file an amended complaint by March 30, 2026. He is advised that an amended complaint will replace the original complaint and must be complete in itself without reference to the original complaint.

See *Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056–57 (7th Cir. 1998). If an amended complaint is received by the deadline, the Court will screen it as required by 28 U.S.C. §1915A. If an amended complaint is not received, the Court will dismiss this action based on Morris’ failure to state a claim in his original complaint.

If Morris does not believe he can cure the deficiencies identified in this decision, he does not have to do anything further. The Court will enclose an amended complaint form along with this decision. IT IS THEREFORE ORDERED that Morris’ motion for leave to proceed in forma pauperis (Dkt. No. 2) is GRANTED. IT IS FURTHER ORDERED that on or before March 30, 2026, Morris may file an amended complaint if he can cure the defects in the original complaint as described in this decision.

IT IS FURTHER ORDERED that the clerk’s office mail Morris a blank prisoner amended complaint form and a copy of the guide entitled “Answers to Prisoner Litigants’ Common Questions,” along with this order. IT IS FURTHER ORDERED that the agency having custody of Morris shall collect from his institution trust account the \$343.47 balance of the filing fee by collecting monthly payments from Morris’ prison trust account in an amount equal to 20% of the preceding month’s income credited to the prisoner’s trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2).

The payments shall be clearly identified by the case name and number assigned to this action. If Morris is transferred to another institution, the transferring institution shall forward a copy of this Order along with Morris’ remaining balance to the receiving institution. IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where Morris is located.

IT IS FURTHER ORDERED that plaintiffs who are inmates at Prisoner E-Filing Program institutions must submit all correspondence and case filings to institution staff, who will scan and e-mail documents to the Court. The Prisoner E-Filing Program is mandatory for all inmates of Green Bay Correctional Institution, Waupun Correctional Institution, Dodge Correctional Institution, Wisconsin Secure Program Facility, Columbia Correctional Institution, and Oshkosh Correctional Institution.

Plaintiffs who are inmates at all other prison facilities must submit the original document for each filing to the Court to the following address: Office of the Clerk United States District Court Eastern District of Wisconsin 362 United States Courthouse 517 E. Wisconsin Avenue Milwaukee, Wisconsin 53202 PLEASE DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS.

It will only delay the processing of the matter. Morris is further advised that failure to make a timely submission may result in the dismissal of this action for failure to prosecute. In addition, the parties must notify the Clerk of Court of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties.

Dated at Milwaukee, Wisconsin this 27th day of February, 2026. s/ Brett H. Ludwig BRETT H. LUDWIG United States District Judge