

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Brandon L. Newson v. Lt. Rebecca Terrvenen, et al.

Newson · No. 26-cv-366-jdp · Decided April 29, 2026

SUMMARY

This order addresses Brandon L. Newson's motion to proceed without prepaying the filing fee in a prisoner civil action. The court assesses an initial partial filing-fee payment of \$1.43 under 28 U.S.C. § 1915(b)(1), sets a May 21, 2026 deadline, and warns that failure to pay or show cause may 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 29, 2026
DOCKET	26-cv-366-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 issued an order assessing an initial partial filing-fee payment and setting a deadline for payment or a showing of inability to pay.
STANDARD OF REVIEW	The court determined indigent status and calculated the initial partial filing-fee payment under the Prison Litigation Reform Act based on the information in plaintiff's inmate trust fund account statement.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Brandon L. Newson v. Lt. Rebecca Terrvenen, et al.

TOPICS

- prisoners rights
- civil procedure
- costs

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the prisoner plaintiff must pay an initial partial filing fee despite proceeding without prepaying the full filing fee.
2. What initial partial payment should be assessed based on the plaintiff's inmate trust fund account statement.
3. What procedural consequence follows if the plaintiff fails to pay the initial partial fee or show cause for nonpayment.

HOLDINGS

1. Even when a prisoner litigant qualifies for indigent status, the litigant must pay an initial partial filing fee under 28 U.S.C. § 1915(b)(1).
2. Newson is assessed an initial partial filing-fee payment of \$1.43.
3. If Newson fails to make the initial partial payment by May 21, 2026, or fails to show cause why he cannot pay, the court will treat the failure as an indication that he wishes to withdraw the action and will dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

FACTUAL BACKGROUND

Brandon L. Newson is a prisoner litigant who submitted a certified inmate trust fund account statement. Based on that statement, the court calculated his initial partial filing-fee payment as \$1.43. The order also addressed the source of payment if funds were unavailable in his regular inmate account.

PROCEDURAL HISTORY

Newson filed this action and sought leave to proceed without prepaying the filing fee. After reviewing his certified inmate trust fund account statement, the court calculated an initial partial payment of \$1.43, stayed further action pending payment and statutory 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

Newson

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRANDON L. NEWSON,

Plaintiff, ORDER v. Case No. 26-cv-366-jdp LT. REBECCA TERRVENEN, et al, Defendants.
Plaintiff Brandon L. Newson 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 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 plaintiff's trust fund account statement, I have calculated plaintiff's initial partial payment to be \$1.43. 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 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 Brandon L. Newson is assessed an initial partial payment of \$1.43.

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.

2. 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 29th day of April, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge