

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Thomas Peters, Antonio Galicia and Randy McBride v. J. Hoy, et al.

Peters v. Hoy · No. 26-cv-348-wmc · Decided April 22, 2026

SUMMARY

The court assesses plaintiff Thomas Peters an initial partial filing-fee payment of \$1.42 under the Prison Litigation Reform Act. It directs payment by May 15, 2026, warns that failure to pay or show cause may result in voluntary dismissal without prejudice, and stays further action pending payment and statutory screening.

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 22, 2026
DOCKET	26-cv-348-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff Thomas Peters moved for leave to proceed without prepaying the filing fee and submitted a certified inmate trust fund account statement. The court entered an order assessing an initial partial filing-fee payment and directing Peters either to pay or show cause for nonpayment before the case proceeds to screening.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

prisoners rights

civil procedure

PRACTICE AREAS

prisoner civil rights

filing fees

in forma pauperis procedure

QUESTIONS PRESENTED

1. Whether Peters 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 Peters failed to pay the initial partial payment or explain his inability to do so.

HOLDINGS

1. A prisoner proceeding without prepaying the filing fee must pay an initial partial filing-fee payment under 28 U.S.C. § 1915(b)(1), and Peters's required initial payment was \$1.42.
2. If Peters failed to make the \$1.42 initial partial payment by May 15, 2026, or failed to show cause why he could not pay, the court would treat the failure as a voluntary withdrawal and dismiss the action without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
3. No further action would be taken until the initial partial payment was received and the complaint was screened as required by the Prison Litigation Reform Act.

KEY QUOTATIONS

“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).”

“If plaintiff fails to make the initial partial payment by May 15, 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.”

FACTUAL BACKGROUND

Plaintiff Thomas Peters is an incarcerated litigant who sought leave to proceed without prepaying the filing fee. Based on his certified inmate trust fund account statement, the court calculated his initial partial payment at \$1.42.

PROCEDURAL HISTORY

Peters submitted a certified inmate trust fund account statement in support of his request to proceed without prepaying the filing fee. The court calculated an initial partial payment of \$1.42, stayed further action pending payment and screening, and warned that failure to pay or show cause would be treated as a voluntary withdrawal and result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

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

OPINION

Thomas Peters, Antonio Galicia and Randy McBride v. J. Hoy, et al
PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN
THOMAS PETERS, ANTONIO GALICIA
and RANDY MCBRIDE,

ORDER

Plaintiff, v. Case No. 26-cv-348-wmc J. HOY, et al, Defendants. Plaintiff Thomas Peters 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 \$1.42. For this case to proceed, plaintiff must submit this amount on or before May 15, 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 Thomas Peters is assessed an initial partial payment of \$1.42. Plaintiff must submit a check or money order payable to the clerk of court by May 15, 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 15, 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 22nd day of April, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge

