

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

McIntosh v. Waukesha County Jail

Case No. 26-CV-71-JPS · No. 26-CV-71-JPS · Decided January 28, 2026

SUMMARY

This order addresses procedural issues in a jointly filed 42 U.S.C. § 1983 action brought by three incarcerated plaintiffs against the Waukesha County Jail. The court explains each plaintiff’s obligation to pay a filing fee or seek in forma pauperis status, requires all plaintiffs to sign future filings, and warns about potential severance, sanctions, and strikes. Plaintiffs McIntosh and Bey were ordered to submit the required fee or financial documentation by February 27, 2026, while any plaintiff wishing to withdraw was required to notify the court by that date.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	J.B. Stadtmueller
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	January 28, 2026
DOCKET	26-CV-71-JPS
DISPOSITION	other
PROCEDURAL POSTURE	Three incarcerated plaintiffs filed a joint pro se action under 42 U.S.C. § 1983. Before screening the complaint or assessing filing fees, the court issued an order addressing the consequences of joint litigation, filing-fee obligations, signatures, joinder, sanctions, and potential strikes.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jervon B. McIntosh, Ronald J. Bey, Sean Michael Young v. Waukesha County Jail

TOPICS

- joinder
- prisoners rights
- section 1983
- sanctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether each incarcerated plaintiff in a joint prisoner civil action must separately pay the statutory filing fee or separately seek leave to proceed without prepayment.
2. Whether a joint prisoner complaint may proceed only when the plaintiffs and claims satisfy the federal joinder rules.
3. Whether each self-represented plaintiff must personally sign future filings and may be held responsible for sanctions arising from filings made on the plaintiff's behalf.
4. Whether a prisoner plaintiff may incur a statutory strike if the action is dismissed as frivolous, malicious, or for failure to state a claim.

HOLDINGS

1. Each prisoner plaintiff who brings a civil action must pay a separate statutory filing fee or submit a separate request to proceed without prepaying the fee accompanied by the required certified trust-account statement.
2. A joint prisoner complaint may proceed only if the requirements for permissive joinder of parties and joinder of claims are satisfied; improperly joined parties or claims may be severed or dismissed.
3. Each self-represented plaintiff must personally sign every future pleading, motion, and other paper, and each plaintiff may be subject to Rule 11 sanctions for sanctionable filings made on the plaintiff's behalf.
4. A plaintiff who was a prisoner when the complaint was filed will incur a strike under 28 U.S.C. § 1915(g) if the action is dismissed as frivolous, malicious, or for failure to state a claim.

KEY QUOTATIONS

“prisoners may join their claims in a single action but must each pay a separate filing fee” (Section 1)

“Unrelated claims against different defendants belong in different suits.” (Section 3)

“Thus, Plaintiffs should be aware that if they or some of their claims are not properly joined in this action, the Court may sever their claims into separate actions” (Section 3)

FACTUAL BACKGROUND

Jervon B. McIntosh, Ronald J. Bey, and Sean Michael Young were incarcerated at the Waukesha County Jail and filed a joint civil-rights complaint under 42 U.S.C. § 1983. Young had submitted a motion to proceed without prepaying the filing fee and a certified institutional trust-account statement, while McIntosh and Bey had not yet submitted the required materials. The court issued the order because multiple incarcerated plaintiffs may face separate filing-fee, signature, joinder, and sanctions consequences.

PROCEDURAL HISTORY

Plaintiffs filed a joint § 1983 complaint. The court had not yet screened the complaint or assessed filing fees and directed the plaintiffs either to withdraw by February 27, 2026 or comply with separate filing-fee and in-forma-pauperis requirements. The court stated that screening would occur after those requirements were satisfied.

DISPOSITION

other

CASES CITED

- Boriboune v. Berge, 391 F.3d 852, 855-56 (7th Cir. 2004)
- Turley v. Gaetz, 625 F.3d 1005, 1011 (7th Cir. 2010)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)

OPINION

McIntosh

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
JERVON B. MCINTOSH, RONALD J.
BEY, and SEAN MICHAEL YOUNG,
Plaintiffs, v. Case No. 26-CV-71-JPS
WAUKESHA COUNTY JAIL, ORDER

Defendant. Plaintiffs Jervon B. McIntosh (“McIntosh”), Ronald J. Bey (“Bey”), and Sean Michael Young (“Young”), who are currently incarcerated in Waukesha County Jail (“WCJ”), filed a complaint under 42 U.S.C. §1983, alleging that their civil rights were violated. ECF No. 1. Before screening the complaint or assessing the filing fees due, the Court will clarify for Plaintiffs some of the implications arising from their having brought their claims jointly in a single action. If after reviewing this decision, a Plaintiff no longer wishes to continue with this action, he must notify the Court in writing by February 27, 2026 of his desire to withdraw. Any Plaintiff who withdraws from this action by the deadline will not be obligated to pay the filing fee. Plaintiffs who do not withdraw by the deadline will be assessed the statutory filing fee, regardless of when or why they are dismissed from this action.

1. FILING FEES

The cost of filing a civil action in federal court is \$405.00, which includes the \$350.00 statutory filing fee and a \$55.00 administrative fee. The \$55.00 administrative fee does not apply to persons granted leave to proceed without prepaying the filing fee (in forma pauperis status). Under the Prison Litigation Reform Act (PLRA), prisoner plaintiffs who bring a civil action must pay the statutory filing fee of \$350. See 28 U.S.C. §1915(b)(1). Prisoner plaintiffs proceeding in forma pauperis may pay that fee over time. See 28 U.S.C. §1915(b)(2). In a multiple plaintiff prisoner

case, each plaintiff is required to pay a filing fee. See *Boriboune v. Berge*, 391 F.3d 852, 855–56 (7th Cir. 2004); see *Turley v. Gaetz*, 625 F.3d 1005, 1011 (7th Cir. 2010) (“prisoners may join their claims in a single action but must each pay a separate filing fee”). Any Plaintiff unable to pay the \$405 filing fee may file a Request to Proceed in District Court Without Prepayment of the Filing Fee together with a certified copy of his institutional trust account statement for the past six months. Plaintiff Young has already submitted a motion to proceed without prepayment of the filing fee and a certified trust account statement. ECF Nos. 2, 3. Plaintiff McIntosh’s or Plaintiff Bey’s failure to submit either the \$405 filing fee or a request to proceed without prepayment of the filing fee and a certified trust account statement by February 27, 2026 may result in the Court dismissing that Plaintiff from this action without further notice. If a Plaintiff encounters challenges satisfying this requirement, he must notify the Court in writing before the deadline.

2. SIGNATURES

Federal Rule of Civil Procedure 11(a) requires that every pleading, motion, and other paper be signed by each party personally if the party is representing himself. This requirement may be difficult and costly for multiple prisoner plaintiffs to comply with, particularly if Plaintiffs are transferred to different institutions or released before the case is resolved. Further, institution policies regarding communication and the delivery of documents among prisoners may cause delay and confusion. Plaintiffs are warned that, pursuant to Rule 11(a), the Court will strike any future filing that is not signed by every Plaintiff.

3. SCREENING, SANCTIONS, AND STRIKES

After the above requirements have been satisfied and those Plaintiffs who wish to proceed have paid the filing fee or have been assessed and paid an initial partial filing fee, the Court will screen the complaint. See 28 U.S.C. §1915A. The Seventh Circuit has described the challenges that arise with group prisoner complaints. See *Boriboune v. Berge*, 391 F.3d 852 (7th Cir. 2004). Complaints filed by multiple prisoners may proceed if the criteria for permissive joinder of parties and joinder of claims are satisfied. See Fed. R. Civ. P. 20, 18. Rule 20 allows plaintiffs to join together in one action if they assert claims “arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all plaintiffs will arise in the action.” And Rule 18 allows properly joined plaintiffs to assert as many claims as they have against a single party. But “[u]nrelated claims against different defendants belong in different suits.” *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Thus, Plaintiffs should be aware that if they or some of their claims are not properly joined in this action, the Court may sever their claims into separate actions (for which they will be required to pay additional filing fees) or may dismiss the improperly joined parties. See Fed. R. Civ. P. 21. Finally, each Plaintiff will be held legally responsible for knowing what is filed on his behalf. Thus, each Plaintiff will be subject to sanctions under Fed. R. Civ. P. 11 if sanctions are found to be warranted in any aspect of the case, even if a particular Plaintiff was not directly responsible for the sanctionable conduct. Further, every Plaintiff who was a prisoner when the complaint was filed will incur a “strike” if this action

is dismissed as frivolous or malicious or for failure to state a claim upon which relief may be granted. See 28 U.S.C. §1915(g). Accordingly, IT IS ORDERED that any Plaintiff who no longer wishes to continue with this action must notify the Court in writing by February 27, 2026 of his desire to withdraw. A Plaintiff who withdraws by the deadline will not have to pay a filing fee. A Plaintiff who withdraws from this action may file a separate action pursuing these same claims. If a Plaintiff files a separate action, he will be required to pay the filing fee; and IT IS FURTHER ORDERED that if Plaintiff McIntosh and Plaintiff Bey wish to proceed with this action, they each must separately submit either the \$405 filing fee or a request to proceed without prepaying the filing fee and a certified trust account statement by February 27, 2026. Failure to do so by the deadline may result in the Court dismissing a Plaintiff from this action without further notice. Plaintiffs who encounter challenges satisfying this requirement must notify the Court in writing before the deadline. Dated at Milwaukee, Wisconsin, this 28th day of January, 2026. BY THEROURT: VAY Se Shen...) J.B Stadtirueller U.S. District Judge Page 40f5 Plaintiffs who are inmates at Prisoner E-Filing Program institutions shall submit all correspondence and case filings to institution staff, who will scan and e-mail documents to the Court. Prisoner E-Filing is mandatory for all inmates at Columbia Correctional Institution, Dodge Correctional Institution, Green Bay Correctional Institution, Oshkosh Correctional Institution, Waupun Correctional Institution, and Wisconsin Secure Program Facility. Plaintiffs who are inmates at all other prison facilities, or who have been released from custody, will be required to submit all correspondence and legal material to: Office of the Clerk United States District Court Eastern District of Wisconsin 362 United States Courthouse 517 E. Wisconsin Avenue Milwaukee, Wisconsin 53202 DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS. If mail is received directly to the Court's chambers, IT WILL BE RETURNED TO SENDER AND WILL NOT BE FILED IN THE CASE. Plaintiffs are further advised that failure to timely file any brief, motion, response, or reply 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. IF A PLAINTIFF FAILS TO PROVIDE AN UPDATED ADDRESS TO THE COURT AND MAIL IS RETURNED TO THE COURT AS UNDELIVERABLE, THE COURT WILL DISMISS THIS ACTION WITHOUT PREJUDICE AS TO THAT PLAINTIFF.