

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Nicholas J. House v. Lawrence Krauss, et al.

House v. Krauss · No. 25-cv-1008-wmc · Decided February 24, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin assesses plaintiff Nicholas J. House an initial partial filing-fee payment of \$151.82 under 28 U.S.C. § 1915(b)(1). The order requires payment by March 23, 2026, and states that failure to pay or show cause will result in presumed voluntary 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	February 24, 2026
DOCKET	25-cv-1008-wmc
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 staying further action pending payment and screening of the complaint.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Lawrence Krauss, et al.

TOPICS

- prisoners rights
- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- prisoners rights
- civil rights

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed without prepaying the filing fee while remaining subject to the Prison Litigation Reform Act's initial partial filing-fee requirement.
2. What initial partial payment should be assessed based on plaintiff's certified inmate trust fund account statement.
3. What consequences would follow if plaintiff failed to pay the initial partial payment or show cause for nonpayment.

HOLDINGS

1. Even when an inmate litigant qualifies to proceed without prepaying the filing fee, the Prison Litigation Reform Act requires the inmate to pay an initial partial portion of the filing fee under 28 U.S.C. § 1915(b)(1).
2. Plaintiff was assessed an initial partial filing-fee payment of \$151.82, to be paid from his regular inmate account and, if necessary, his release account.
3. If plaintiff failed to make the initial partial payment by March 23, 2026, or failed to show cause for nonpayment, 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), subject to the stated reopening conditions.

KEY QUOTATIONS

“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).”

“If plaintiff fails to make the initial partial payment by March 23, 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 is an inmate who submitted a certified trust fund account statement to support his request to proceed without prepaying the filing fee. Based on the account information, the court calculated an initial partial payment of \$151.82. The court directed that funds be drawn first from the inmate's regular account and, if necessary, from a release account.

PROCEDURAL HISTORY

Nicholas J. House filed this federal civil action and sought leave to proceed without prepaying the filing fee. After reviewing his certified inmate trust fund account statement, the court assessed an initial partial payment of \$151.82, required payment or a written explanation by March 23, 2026, and stated that the complaint would be screened under the Prison Litigation Reform Act after payment. The court further advised that failure to pay or show cause would result in assumed voluntary withdrawal and dismissal without prejudice.

DISPOSITION

other

CASES CITED

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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN NICHOLAS J. HOUSE, Plaintiff, ORDER v. Case No. 25-cv-1008-wmc LAWRENCE KRAUSS, et al. Defendants. Plaintiff Nicholas J. House 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 \$151.82.

For this case to proceed, plaintiff must submit this amount on or before March 23, 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 Nicholas J. House is assessed an initial partial payment of \$151.82. Plaintiff must submit a check or money order payable to the clerk of court by March 23, 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 March 23, 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 24th day of February, 2026. BY THE COURT: /s/ ANDREW R. WISEMAN United States Magistrate Judge

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