

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Dion Mathews v. Jolinda Waterman, et al.

Mathews v. Waterman · No. 20-cv-645-wmc · Decided December 3, 2025

SUMMARY

The court denied Dion Mathews’s motion to direct prison officials to pay the remainder of his federal appellate filing fee from his release account. The court explained that the Prison Litigation Reform Act requires payment through an initial partial fee and monthly installments, but does not require states to permit payment of the remaining balance from a prisoner’s release account.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	December 3, 2025
DOCKET	20-cv-645-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, having paid the initial partial appellate filing fee, moved for an order directing prison officials to pay the remainder of the fee from his release account.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Dion Mathews v. Jolinda Waterman, et al.

TOPICS

civil procedure statutory interpretation

PRACTICE AREAS

prisoner litigation in forma pauperis proceedings appellate filing fees

QUESTIONS PRESENTED

- Whether the court should direct prison officials to pay the remainder of plaintiff's federal appellate filing fee from his prison release account under the Prison Litigation Reform Act.

HOLDINGS

1. The Prison Litigation Reform Act does not require prison officials to permit a prisoner to pay the balance of a federal court filing fee from funds in a release account; plaintiff's motion was therefore denied.

KEY QUOTATIONS

“nothing in the fee collection provision of § 1915 can be read as requiring the state to allow a prisoner to pay off the balance of a federal court filing fee from money . . . in [a] release account.”

FACTUAL BACKGROUND

The court had assessed Dion Mathews an initial partial payment toward the \$605 appellate filing fee, and Mathews paid that amount. He sought authorization for prison officials to withdraw the remaining balance from his release account. The court considered the fee-collection provisions of the Prison Litigation Reform Act and concluded that they did not require Wisconsin prison officials to use release-account funds to pay the balance.

PROCEDURAL HISTORY

On November 7, 2025, the court ordered plaintiff to pay an initial partial payment of the \$605 appellate filing fee, which plaintiff paid. Plaintiff then moved to have the remainder withdrawn from his prison release account. The court denied the motion.

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 DION MATHEWS, Plaintiff, ORDER v. Case No. 20-cv-645-wmc JOLINDA WATERMAN, et al. Defendants. On November 7, 2025, the court entered an order assessing plaintiff an initial partial payment of the \$605 appellate filing fee, which plaintiff has paid. Now, plaintiff has filed a motion for an order directing prison officials to pay the remainder of the filing fee from his release account.

Under the Prison Litigation Reform Act, an inmate who files an appeal in federal court under the in forma pauperis statute, 28 U.S.C. § 1915, must make an initial partial payment of the filing fee under § 1915(b)(1), and then pay the remainder of the fee in monthly installments under § 1915(b)(2). If a prisoner does not have sufficient funds to make the initial partial payment, then he may withdraw funds from a release account.

However, "nothing in the fee collection provision of § 1915 can be read as requiring the state to allow a prisoner to pay off the balance of a federal court filing fee from money... in [a] release account." *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

Accordingly, plaintiff's motion to pay the remainder of the appeal fee from a release account is denied. ORDER IT IS ORDERED that plaintiff Dion Mathews's motion for an order directing prison officials to pay the remainder of the appeal fee for this case from plaintiff's release account is DENIED. Entered this 3rd day of December, 2025. BY THE COURT: /s/ WILLIAM M. CONLEY United States District Judge