

**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.

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