

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Michael Brown v. Kyle J. Elderin, Susan Roth, and Milwaukee
County

Brown · No. 26-CV-606 · Decided May 12, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Michael Brown leave to proceed in forma pauperis but denies his request to waive filing costs and fees. The court dismisses his complaint under Federal Rule of Civil Procedure 8(a)(2) because it fails to state specific factual allegations explaining what each defendant allegedly did and how Brown was injured. The court permits Brown to file an amended complaint by June 11, 2026, and directs collection of the filing fee through institutional trust-account payments.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Byron B. Conway
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 12, 2026
DOCKET	26-CV-606
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; the court considered plaintiff's motions to proceed in forma pauperis and waive costs and screened the complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screened the prisoner complaint to determine whether it was frivolous, malicious, failed to state a claim upon which relief may be granted, or sought monetary relief from an immune defendant. In assessing pleading sufficiency, the court applied the Rule 8(a)(2) plausibility standard.
PRECEDENTIAL VALUE	unpublished district court screening order; precedential status unknown
PARTIES	Michael Brown v. Kyle J. Elderin, Susan Roth, Milwaukee County

TOPICS

section 1983 prisoners rights pleadings civil procedure due process

PRACTICE AREAS

civil procedure civil rights prisoner litigation constitutional law

QUESTIONS PRESENTED

1. Whether Brown qualified to proceed without prepaying the filing fee and whether the initial partial filing fee could be waived.
2. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a)(2) and stated a plausible § 1983 claim under the prisoner-screening requirements of 28 U.S.C. § 1915A.
3. Whether the complaint should be dismissed with leave to amend.

HOLDINGS

1. Brown was permitted to proceed without prepaying the filing fee, and the court waived the initial partial filing fee because he lacked the assets and means to pay it.
2. The court denied Brown's request to waive court costs and fees because the Prison Litigation Reform Act requires a prisoner proceeding in forma pauperis to pay the full filing fee by installments when funds are available.
3. The complaint failed to satisfy Rule 8(a)(2) because it did not provide a short and plain statement identifying what each defendant allegedly did, when and where the conduct occurred, or what injury resulted.
4. The complaint was dismissed, but Brown was granted leave to file a complete amended complaint curing the identified pleading deficiencies by June 11, 2026.

KEY QUOTATIONS

“The complaint itself must plead a short and plain statement of the claim.” (Screening of the Complaint)

“Plaintiff must tell the Court and the defendants the who, what, when, and where of his claim, and what injury or damage the defendants’ actions caused him.” (Screening of the Complaint)

FACTUAL BACKGROUND

Brown, who was incarcerated at the Milwaukee County Community Reintegration Center and proceeded pro se, sued a Milwaukee County court commissioner, an assistant district attorney, and Milwaukee County under § 1983. Rather than setting out factual allegations in the complaint's statement-of-claim section, Brown referred to an attached request for de novo review filed in a state criminal case. The complaint did not explain what each defendant allegedly did, when or where the conduct occurred, or what injury resulted.

PROCEDURAL HISTORY

Michael Brown filed a § 1983 complaint on April 9, 2026, along with a motion to proceed without prepayment of the filing fee. He later moved to waive court costs and fees. The district court granted in forma pauperis status, waived the initial partial filing fee because Brown lacked the means to pay it, denied the request to waive the statutory filing fee, and dismissed the complaint for failure to comply with Federal Rule of Civil Procedure 8(a)(2), while allowing Brown to file an amended complaint by June 11, 2026.

DISPOSITION

dismissed

CASES CITED

- D.S. v. E. Porter Cty. Sch. Corp., 799 F.3d 793, 798 (7th Cir. 2015)
- Buchanan-Moore v. Cty. of Milwaukee, 570 F.3d 824, 827 (7th Cir. 2009)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Friend v. Valley View Cmty. Unit Sch. Dist. 365U, 789 F.3d 707, 711 (7th Cir. 2015)
- Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84, 133 F.3d 1054, 1056-57 (7th Cir. 1998)