

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Roy James Jones v. Sgt. Diana Mason

Jones v. Mason · No. 26-cv-418-jdp · Decided May 11, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin assesses plaintiff Roy James Jones an initial partial filing-fee payment of \$22.60 under the Prison Litigation Reform Act. The order requires payment by June 1, 2026, and states that failure to pay or show cause may result in 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	May 11, 2026
DOCKET	26-cv-418-jdp
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 before screening the complaint.
STANDARD OF REVIEW	The court determined indigent status and calculated the initial partial filing-fee payment under 28 U.S.C. § 1915(b)(1), based on the information in plaintiff's certified inmate trust fund account statement.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation

TOPICS

- prisoners rights
- civil procedure
- civil rights

PRACTICE AREAS

- prisoner litigation
- civil rights

QUESTIONS PRESENTED

1. Whether plaintiff should be assessed an initial partial filing-fee payment under 28 U.S.C. § 1915(b)(1).
2. What amount plaintiff must pay as the initial partial filing fee.
3. What consequence should follow if plaintiff fails to pay the initial partial fee or show cause for nonpayment.

HOLDINGS

1. A prisoner litigant proceeding without prepaying the filing fee must pay an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1), and plaintiff was assessed \$22.60.
2. If plaintiff fails to submit the \$22.60 payment by June 1, 2026, or fails to show cause for nonpayment, the court will treat the failure as an indication that plaintiff wishes to withdraw the action and will dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), subject to the stated reopening conditions.

KEY QUOTATIONS

“Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the filing fee pursuant to 28 U.S.C. § 1915(b)(1).”

“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).”

FACTUAL BACKGROUND

Plaintiff Roy James Jones is an incarcerated litigant who submitted a certified inmate trust fund account statement. Based on that statement, the court calculated his initial partial filing-fee payment as \$22.60. The order also addressed payment from regular and release inmate accounts if regular-account funds were insufficient.

PROCEDURAL HISTORY

Roy James Jones filed this prisoner civil-rights action and sought leave to proceed without prepaying the filing fee. After reviewing his certified inmate trust fund account statement, the court calculated an initial partial payment of \$22.60. The court stayed further action pending payment and required screening under the Prison Litigation Reform Act.

DISPOSITION

other

CASES CITED

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

OPINION

Roy James Jones v. SGT. DIANA MASON

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

ROY JAMES JONES,

Plaintiff, ORDER v. Case No. 26-cv-418-jdp

SGT. DIANA MASON,

Defendant. Plaintiff Roy James Jones 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 a prisoner 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 \$22.60. For this case to proceed, plaintiff must submit this amount on or before June 1, 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 Roy James Jones is assessed an initial partial payment of \$22.60.

Plaintiff must submit a check or money order payable to the clerk of court by June 1, 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 June 1, 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 11th day of May, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge

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