

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Randy Hermosillo v. C/O Young, et al.

Hermosillo v. Young · No. 26-cv-130-jdp · Decided February 19, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants Randy Hermosillo leave to proceed without prepaying the filing fee in his 42 U.S.C. § 1983 action. The court assesses an initial partial filing-fee payment of \$1.49, due by March 13, 2026, and states that failure to pay or show cause may result in 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 19, 2026
DOCKET	26-cv-130-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prisoner, filed a proposed civil-rights action under 42 U.S.C. § 1983 and moved for leave to proceed without prepaying the filing fee. The court granted indigent status, assessed an initial partial filing-fee payment, and stayed further action pending payment and screening.
STANDARD OF REVIEW	The court applied the statutory requirements governing prisoner filing fees and in forma pauperis proceedings under the Prison Litigation Reform Act.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Randy Hermosillo v. C/O Young, et al.

TOPICS

- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the prisoner plaintiff qualified for indigent status and could proceed without prepaying the entire filing fee.
2. What initial partial filing-fee payment was required under the Prison Litigation Reform Act.
3. What procedural consequence would follow if the plaintiff failed to pay the initial partial fee or show cause for nonpayment.

HOLDINGS

1. The plaintiff qualified for indigent status and could proceed without prepaying the entire filing fee, subject to the statutory prisoner filing-fee requirements.
2. The plaintiff was assessed an initial partial filing-fee payment of \$1.49, payable by March 13, 2026, or he was required to explain in writing why he could not make the payment.
3. If the plaintiff failed to pay the initial partial fee by the deadline or show cause for nonpayment, the court would treat the failure as an indication that he wished to voluntarily withdraw the action and would dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), subject to the stated reopening conditions.

KEY QUOTATIONS

“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).” (Order ¶ 2)

FACTUAL BACKGROUND

Randy Hermosillo is incarcerated in the custody of the Wisconsin Department of Corrections. He submitted a certified trust-fund-account statement covering the six-month period preceding his complaint and sought to proceed without prepaying the filing fee. Based on that statement, the court calculated his initial partial payment as \$1.49.

PROCEDURAL HISTORY

Hermosillo submitted a proposed § 1983 complaint, a certified trust-fund-account statement, and a motion to proceed in forma pauperis. The court determined that he qualified for indigent status, calculated an initial partial payment of \$1.49, and ordered payment by March 13, 2026. The court stated that failure to pay or show cause would be treated as a voluntary withdrawal and could result in 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 RANDY HERMOSILLO, Plaintiff, ORDER v. Case No. 26-cv-130-jdp C/O YOUNG, et al. Defendants. Plaintiff Randy Hermosillo, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff has filed a certified copy of a trust fund account statement and a motion for leave to proceed without prepaying the filing fee.

After considering the motion and supporting documentation, I conclude that plaintiff qualifies for indigent status. 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 the plaintiff's trust fund account statement for the six-month period preceding the complaint, I have calculated the initial partial payment to be \$1.49.

For this case to proceed, plaintiff must submit this amount on or before March 13, 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 authorities to make the payment from a release account.

However, prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account. Carter v. Bennett, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005). ORDER IT IS ORDERED that: 1. Plaintiff Randy Hermosillo is assessed an initial partial payment of \$1.49. Plaintiff must submit a check or money order payable to the clerk of court by March 13, 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. 3. If plaintiff fails to make the initial partial payment by March 13, 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 19th day of February,

2026. BY THE COURT: /s/ ANDREW R. WISEMAN United States Magistrate Judge

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