

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Cory Prescott v. Tracy L. Thompson

Prescott · No. 26-CV-8-JPS · Decided April 10, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Cory Prescott’s motions to use funds from his prisoner release account to pay the \$26.09 initial partial filing fee. The court limits use of the release account to that fee, sets a May 1, 2026 payment deadline, and warns that nonpayment may result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 10, 2026
DOCKET	26-CV-8-JPS
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner proceeding pro se filed a civil-rights complaint and moved for permission to use funds in his release account to pay the initial partial filing fee.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Cory Prescott v. Tracy L. Thompson

TOPICS

- prisoners rights
- civil procedure
- costs

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- prison litigation

QUESTIONS PRESENTED

- Whether the court may authorize a prisoner to use funds in a release account to pay an initial partial filing fee.

2. Whether the court may authorize a prisoner to use release-account funds to pay the remainder of the filing fee or other litigation costs.

HOLDINGS

1. The court has authority to order disbursement of a prisoner's release-account funds for payment of an initial partial filing fee.
2. The court lacks statutory or other authority to permit a prisoner to use release-account funds to pay the remainder of the filing fee or other current or future litigation costs.

KEY QUOTATIONS

“This Court has the authority to order disbursements from a prisoner’s release account for payment of an IPFF.” (Order at 3)

“However, this Court lacks the authority—statutory or otherwise—to order that a prisoner may tap into his release account to pay current (or future) litigation costs.” (Order at 3)

“like any other civil litigant, [a prisoner] must decide which of [his] legal actions is important enough to fund” (Order at 3)

FACTUAL BACKGROUND

Cory Prescott, a prisoner proceeding pro se, filed a complaint in federal court. The court ordered him to pay an initial partial filing fee of \$26.09, and he moved to use funds from his prisoner release account to satisfy that obligation. The court authorized use of the release account for the initial partial filing fee but not for the remainder of the filing fee or other current or future litigation costs.

PROCEDURAL HISTORY

The court ordered Plaintiff to pay an initial partial filing fee of \$26.09 by March 4, 2026. Plaintiff then moved to use his release account to pay that fee. The court granted the motions in part by authorizing use of the account solely for the \$26.09 initial partial filing fee and warned that failure to pay by May 1, 2026, could result in dismissal without prejudice for failure to prosecute.

DISPOSITION

other

CASES CITED

- Doty v. Doyle, 182 F. Supp. 2d 750, 751 (E.D. Wis. 2002)
- Wilson v. Anderson, No. 14-CV-0798, 2014 WL 3671878, at *3 (E.D. Wis. July 23, 2014)
- Lindell v. McCallum, 352 F.3d 1107, 1111 (7th Cir. 2003)
- Williams v. Berge, No. 02-CV-10, 2002 WL 32350026, at *8 (W.D. Wis. Apr. 30, 2002)

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