

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN CORY PRESCOTT, Plaintiff, Case No. 26-CV-8-JPS v. TRACY L. THOMPSON, ORDER Defendant. Plaintiff, a prisoner proceeding pro se, filed a complaint in the above captioned action. ECF No. 1.

On February 2, 2026, the Court ordered Plaintiff to pay an initial partial filing fee (“IPFF”) of \$26.09 on or before March 4, 2026. ECF No. 7. Pending before the Court are Plaintiff’s motions to use his release account to pay the IPFF. ECF Nos. 8, 9.

The Court will grant Plaintiff’s motions to use his release account funds to pay the IPFF. This Court has the authority to order disbursements from a prisoner’s release account for payment of an IPFF. See, e.g., *Doty v. Doyle*, 182 F. Supp. 2d 750, 751 (E.D. Wis. 2002) (noting that “both the Wisconsin Prison Litigation Reform Act...and the federal Prison Litigation Reform Act [(“PLRA”)]...authorize the courts to order that...a prisoner’s release account be made available [to pay an IPFF]”).

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. Cf. *Wilson v. Anderson*, No. 14-CV-0798, 2014 WL 3671878, at *3 (E.D. Wis. July 23, 2014) (declining to order that a prisoner’s full filing fee be paid from his release account, “[g]iven the [DOC’s] rationale for segregating funds into a release account” and the absence of any statutory authority compelling the court to do so).

Permitting a prisoner to invade a release account for litigation costs could harm that prisoner’s likelihood of success post-incarceration, see Wis. Admin. Code § DOC 309.466 (stating that disbursements from a prisoner’s release account are authorized “for purposes that will aid the inmate’s reintegration into the community”), especially if the prisoner is particularly litigious.

As the Seventh Circuit has instructed, “like any other civil litigant, [a prisoner] must decide which of [his] legal actions is important enough to fund,” *Lindell v. McCallum*, 352 F.3d 1107, 1111 (7th Cir. 2003); thus, if a prisoner concludes that “the limitations on his funds prevent him from prosecuting [a] case with the full vigor he wishes to prosecute it, he is free to choose to dismiss it voluntarily and bring it at a later date.” *Williams v. Berge*, No. 02-CV-10, 2002 WL 32350026, at *8 (W.D.

Wis. Apr. 30, 2002). While the Court will not permit Plaintiff to access his release account for the entirety of his filing fee, or other litigation costs, it will grant Plaintiff permission to use funds from that account solely for the purpose of paying the IPFF. Plaintiff must pay the \$26.09 IPFF on or before May 1, 2026; the failure to do so may result in the dismissal of this case, without prejudice, for Plaintiff’s failure to prosecute.

Accordingly, IT IS ORDERED that Plaintiff’s motions to pay the IPFF from his release account, ECF Nos. 8, 9, be and the same are hereby GRANTED; Plaintiff may use his release account

funds only to pay the \$26.09 IPFF in this case; IT IS FURTHER ORDERED that Plaintiff must pay the \$26.09 IPFF on or before May 1, 2026; the failure to do so may result in the dismissal of this case, without prejudice, for Plaintiffs failure to prosecute; and IT IS FURTHER ORDERED that a copy of this Order be sent to the officer in charge of the agency where Plaintiff is confined.

Dated at Milwaukee, Wisconsin, this 10th day of April, 2026. A \ = rp PLY Veh P. Stadtmueller 'S.
District Judge Page 3 of 3