UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

Sean W. Moore v. Sheriff Richard Meister, et al.

Moore v. Meister · No. 26-cv-146-jdp · Decided March 23, 2026

SUMMARY

The court assesses plaintiff Sean W. Moore an initial partial filing-fee payment of $48.67 under 28 U.S.C. § 1915(b)(1). The order requires payment or an explanation by April 20, 2026, and states that failure to comply 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	March 23, 2026
DOCKET	26-cv-146-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 determining the initial partial filing-fee payment required before the action could proceed.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

prisoners rights · civil procedure

PRACTICE AREAS

civil procedure · prisoner civil rights · in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed without prepaying the full filing fee and, if so, what initial partial payment was required under the Prison Litigation Reform Act.

2. What procedural consequence would follow if plaintiff failed to pay the initial partial payment or show cause for nonpayment.

HOLDINGS

1. Under 28 U.S.C. § 1915(b)(1), an inmate proceeding without prepaying the full filing fee must pay an initial partial payment; based on plaintiff's trust fund account statement, the required amount was $48.67.
2. If plaintiff failed to submit the $48.67 initial partial payment by April 20, 2026, or show cause for failing to do so, the court would treat the failure as a voluntary withdrawal and dismiss the action 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)."*

FACTUAL BACKGROUND

Plaintiff is an inmate who submitted a certified trust fund account statement in support of proceeding without prepaying the filing fee. Based on the information in that statement, the court calculated an initial partial payment of $48.67. The order also addressed how prison officials should draw funds if the plaintiff lacked sufficient funds in his regular inmate account.

PROCEDURAL HISTORY

Sean W. Moore initiated 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 assessed an initial partial payment of $48.67, stayed further action pending payment and screening, and warned that failure to pay or show cause would be treated as a voluntary withdrawal and result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

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

OPINION

Sean W. Moore v. Sheriff Richard Meister, et al.
PER CURIAM.
IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

SEAN W. MOORE,

Plaintiff, ORDER v. Case No. 26-cv-146-jdp SHERIFF RICHARD MEISTER, et al. Defendants. Plaintiff Sean W. Moore 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 an inmate 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 $48.67. For this case to proceed, plaintiff must submit this amount on or before April 20, 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 Sean W. Moore is assessed an initial partial payment of $48.67.

Plaintiff must submit a check or money order payable to the clerk of court by April 20, 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 April 20, 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 23rd day of March, 2026. BY THE COURT: /s/

ANDREW R. WISEMAN

United States Magistrate Judge