

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Matthew Green v. Jane Doe Deputy, et al.

Green v. Jane Doe Deputy · No. 26-cv-458-jdp · Decided May 18, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants Matthew Green 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 \$11.69, due by June 9, 2026, and stays further action pending payment and screening under the Prison Litigation Reform Act. The order 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	May 18, 2026
DOCKET	26-cv-458-jdp
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner plaintiff submitted a proposed 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, and deferred further action pending payment and screening.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Matthew Green v. Jane Doe Deputy, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure
- civil rights
- remedies

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the prisoner plaintiff qualified to proceed without prepaying the full filing fee.
2. What initial partial filing-fee payment was required under the Prison Litigation Reform Act.
3. What consequences 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 full filing fee, subject to the statutory obligation to pay the filing fee over time.
2. The plaintiff was assessed an initial partial filing-fee payment of \$11.69, due by June 9, 2026.
3. If the plaintiff failed to submit the initial partial payment by June 9, 2026, or failed to show cause why he could not pay, 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 provisions.

FACTUAL BACKGROUND

Matthew Green is a prisoner in the custody of the Wisconsin Department of Corrections. He submitted a proposed civil action under 42 U.S.C. § 1983, a certified copy of his inmate trust fund account statement, and a motion to proceed without prepaying the filing fee. Based on the six-month account history, the court calculated an initial partial filing-fee payment of \$11.69.

PROCEDURAL HISTORY

Matthew Green, a Wisconsin prisoner, filed a proposed § 1983 civil action, submitted a certified trust fund account statement, and moved to proceed without prepaying the filing fee. The court found him eligible for indigent status, calculated an initial partial payment of \$11.69, and ordered payment by June 9, 2026. The court stated that the action would be screened under the Prison Litigation Reform Act after payment and that failure to pay or show cause would result in voluntary dismissal without prejudice, subject to limited reopening provisions.

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 MATTHEW GREEN, Plaintiff, ORDER v. Case No. 26-cv-458-jdp JANE DOE DEPUTY, et al. Defendants. Plaintiff Matthew Green, 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 \$11.69.

For this case to proceed, plaintiff must submit this amount on or before June 9, 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 Matthew Green is assessed an initial partial payment of \$11.69. Plaintiff must submit a check or money order payable to the clerk of court by June 9, 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 June 9, 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 18th day of May, 2026.
BY THE COURT: /s/ ANDREW R. WISEMAN United States Magistrate Judge