

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Aswan Thompson, et al. v. J. Hoy, et al.

Thompson v. Hoy · No. 26-cv-348-wmc · Decided May 29, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin assesses plaintiff Aswan Thompson an initial partial filing-fee payment of \$9.82 under the Prison Litigation Reform Act. The order requires payment or an explanation by June 22, 2026 and provides that failure to comply may result in voluntary 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 29, 2026
DOCKET	26-cv-348-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed without prepaying the filing fee and submitted a certified inmate trust fund account statement. The court issued an order assessing an initial partial filing-fee payment and withholding further action pending payment and screening.
STANDARD OF REVIEW	The court applied the statutory requirements governing indigent prisoner filing fees under 28 U.S.C. § 1915(b)(1).
PRECEDENTIAL VALUE	Unknown
PARTIES	Aswan Thompson, et al. v. J. Hoy, et al.

TOPICS

prisoners rights

civil procedure

PRACTICE AREAS

civil procedure

prisoner litigation

civil rights

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed without prepaying the full filing fee and, if so, what initial partial payment was required under 28 U.S.C. § 1915(b)(1).
2. What consequence would follow if plaintiff failed to pay the initial partial payment or show cause for nonpayment.

HOLDINGS

1. A prisoner litigant proceeding without prepaying the full filing fee must pay an initial partial filing-fee payment under 28 U.S.C. § 1915(b)(1), and plaintiff's initial partial payment was assessed at \$9.82.
2. If plaintiff fails to make the initial partial payment by the deadline or show cause for nonpayment, the court will treat the failure as an indication that plaintiff wishes to withdraw the action and will dismiss the case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), subject to the stated reopening conditions.

KEY QUOTATIONS

“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).” (at 1)

“If plaintiff fails to make the initial partial payment by June 22, 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.” (at 2)

FACTUAL BACKGROUND

Aswan Thompson submitted a certified inmate trust fund account statement in support of a motion to proceed without prepaying the filing fee. Based on the account information, the court calculated an initial partial payment of \$9.82 and directed payment by June 22, 2026.

PROCEDURAL HISTORY

The action was filed in the United States District Court for the Western District of Wisconsin. Before screening the complaint under the Prison Litigation Reform Act, the court reviewed plaintiff's certified trust account statement, assessed an initial partial payment of \$9.82, and directed plaintiff to pay the amount or show cause for nonpayment.

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 ASWAN THOMPSON, et al. Plaintiff, ORDER v. Case No. 26-cv-348-wmc J. HOY, et al. Defendants. Plaintiff Aswan Thompson 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 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 plaintiff's trust fund account statement, I have calculated plaintiff's initial partial payment to be \$9.82.

For this case to proceed, plaintiff must submit this amount on or before June 22, 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 Aswan Thompson is assessed an initial partial payment of \$9.82. Plaintiff must submit a check or money order payable to the clerk of court by June 22, 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 June 22, 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 29th day of May, 2026.
BY THE COURT: /s/ ANDREW R. WISEMAN United States Magistrate Judge