

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Vonell Lavell Shaw v. Innovative Brands and Jack L. Marcus
Company

Shaw · No. 26-cv-441-jdp · Decided May 11, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants Vonell Lavell Shaw leave to proceed without prepaying the filing fee but assesses an initial partial payment of \$46.76 under the Prison Litigation Reform Act. The court requires payment by June 1, 2026 and states that failure to pay or show cause will 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 11, 2026
DOCKET	26-cv-441-jdp
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner plaintiff submitted a proposed action under 42 U.S.C. § 1983, moved to proceed without prepaying the filing fee, and submitted a certified trust-fund account statement. The district court granted indigent status, assessed an initial partial filing-fee payment, and stayed further action pending payment and statutory screening.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- in forma pauperis proceedings

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 procedural consequences would follow if the plaintiff failed to make the initial partial payment or show cause for nonpayment.

HOLDINGS

1. Shaw qualifies for indigent status and may proceed without prepaying the full filing fee, subject to the statutory obligation to pay the required partial fee.
2. Shaw is assessed an initial partial filing-fee payment of \$46.76.
3. If Shaw fails to pay the initial partial fee by June 1, 2026, or fails to show cause for nonpayment, the court will treat the failure as a voluntary withdrawal and dismiss the action without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
4. No further action will be taken until the clerk receives the initial partial payment and the court completes the screening required by the Prison Litigation Reform Act.

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).”

“If plaintiff fails to make the initial partial payment by June 1, 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.”

FACTUAL BACKGROUND

Plaintiff Vonell Lavell Shaw is incarcerated in the custody of the Wisconsin Department of Corrections and submitted a proposed civil action under 42 U.S.C. § 1983. He provided a certified trust-fund account statement covering the six-month period preceding the complaint and moved to proceed without prepaying the filing fee. Based on that statement, the court determined that he qualified for indigent status and calculated an initial partial payment of \$46.76.

PROCEDURAL HISTORY

Vonell Lavell Shaw, a Wisconsin prisoner, filed a proposed § 1983 civil action and sought leave to proceed without prepaying the filing fee. The court found that Shaw qualified for indigent status, calculated an initial partial payment of \$46.76 under the Prison Litigation Reform Act, and ordered payment by June 1, 2026. The court stated that failure to pay or show cause would be treated as voluntary withdrawal and would result in dismissal without prejudice, subject to a limited reopening procedure.

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 VONELL LAVELL SHAW, Plaintiff, ORDER v. Case No. 26-cv-441-jdp INNOVATIVE BRANDS and JACK L. MARCUS COMPANY, Defendants. Plaintiff Vonell Lavell Shaw, 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 \$46.76.

For this case to proceed, plaintiff must submit this amount on or before June 1, 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 Vonell Lavell Shaw is assessed an initial partial payment of \$46.76. Plaintiff must submit a check or money order payable to the clerk of court by June 1, 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 1, 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 11th day of May, 2026.
BY THE COURT: /s/ ANDREW R. WISEMAN United States Magistrate Judge

