

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

SHOMAS T. WINSTON,

Plaintiff,

v.

MARY SAUVEY,

Defendant.

Case No. 16-CV-95-JPS

**ORDER**

This case was dismissed on December 29, 2016. (Docket #54). A subsequent appeal was dismissed on March 31, 2017. (Docket #60). Now, Plaintiff moves the Court for an order allowing him to access his release account, in light of *Nigl v. Litscher*, No. 19-cv-105-BBC, 2019 WL 2269727 (W.D. Wis. May 28, 2019). (Docket #61). Plaintiff believes that *Nigl* empowers prisoners to persuade the Department of Corrections to give them access to their release accounts. *Id.* Actually, *Nigl* does no such thing—it simply reiterates that federal courts generally do not have power to order states to give access to release accounts to pay for general litigation costs.

The court in *Nigl* denied a plaintiff's request to use his release account statement because the federal Prison Litigation Reform Act ("PLRA") "does not give federal courts authority to force the state to pay the remainder of an inmate's filing fee in a lump sum directly from his release account instead of from his regular account." *Id.* at \*2. The court noted, however, that "state courts in Wisconsin have allowed inmates to pay litigation fees and costs from release accounts" based on the Wisconsin PLRA. *Id.* In other words, Wisconsin state law (the Wisconsin PLRA) authorizes Wisconsin state courts to allow inmates to access their release

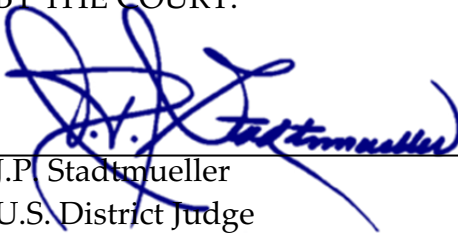
accounts for litigation costs. By contrast, federal law (the PLRA) does not. Plaintiff does not need an order from this Court to allow him “to try to persuade Department of Corrections officials to give him access to funds in his release account.” *Id.* He was always free to try.

Accordingly,

**IT IS ORDERED** that Plaintiff’s motion to access release account (Docket #61) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 18th day of July, 2019.

BY THE COURT:



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J.P. Stadtmueller  
U.S. District Judge