

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

JEFFREY S. WRIGHT,

Plaintiff,

v.

STATE OF WISCONSIN
DEPARTMENT OF CORRECTIONS,

Defendant.

Case No. 17-CV-1384-JPS

ORDER

On December 20, 2017, Plaintiff filed a motion to withdraw his complaint in this matter. (Docket #8). He indicates in the motion that he intends to refile his complaint later and he requests that the Court stop collecting the filing fee associated with this case. *Id.*

The filing fee was incurred the moment Plaintiff filed his complaint, and thus the fee collection must continue. *See* 28 U.S.C. § 1915(b)(1) (“[I]f a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee.”); *see also* *Thurman v. Gramley*, 97 F.3d 185, 187 (7th Cir. 1996), overruled on other grounds by *Walker v. O’Brien*, 216 F.3d 626 (7th Cir. 2000) (“The impecunious prisoner is entitled to pay in installments, but the fee must eventually be paid in full.”). Filing fees are directed toward covering the costs of *opening* a case. *Thurman*, 97 F.3d at 187 (the dispositive event is “bringing” a civil action). Moreover, the Court’s resources were indeed used by the Plaintiff’s initiation of this litigation, despite its abbreviated duration: the case was opened on the docket, the

complaint was screened, and an order issued. In other words, Court resources that the fee is intended to defray were put to use in this case.

The Court will therefore grant Plaintiff's motion to withdraw his complaint, which the Court construes as a notice of voluntary dismissal, and dismiss this case without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). The Court will deny the portion of Plaintiff's motion seeking a stop to the collection of the filing fee incurred in this case.

Accordingly,

IT IS ORDERED that Plaintiff's motion to withdraw his complaint (Docket #8) be and the same is hereby **GRANTED in part and DENIED in part** as reflected in this Order; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice**.

Dated at Milwaukee, Wisconsin, this 22nd day of December, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge