

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEFFERY NELSON,

Plaintiff,

v.

Case No. 25-cv-164-wmc

ANN PEACOCK,
DANE COUNTY CIRCUIT COURT,
and TRACY McMILLER,

Defendants.

Plaintiff Jeffery Nelson has filed a complaint against defendants Ann Peacock, the Dane County Circuit Court, and Tracy McMiller alleging that defendants violated the U.S. Constitution and the Wisconsin Constitution. Plaintiff seeks to commence this action without prepaying the \$405 civil filing fee. The court considers this request under 28 U.S.C. § 1915.

In his motion to proceed without prepaying the fee, dkt. 2, plaintiff wrote "N/A" for his employer and his spouse's employer. He reported average monthly income of \$0, no savings, no assets, no debts, and average monthly expenses of \$1,550 consisting of rent and utilities, but no food, medical expenses, insurance costs, or other payments. One person relies on him for support, a five-year-old child.

Based on this limited information, I cannot find that plaintiff is unable to prepay the filing fee. Too much is unknown about his finances. For instance, plaintiff wrote "N/A" for his spouse's employer and \$0 for his spouse's average monthly income. Those answers could mean that his spouse or adult partner is also unemployed, or they could mean that plaintiff does not have anyone else who contributes to household expenses.

Those expenses are also unclear, as plaintiff reported an average monthly cost of \$1,550 for rent and utilities, but no other costs, no source of income, and no assets, whatsoever.

Plaintiff may have until March 31, 2025, to pay the filing fee or supplement his motion with additional information to present a clearer picture of his finances. A ruling on his motion is stayed pending a response. If plaintiff fails to pay the \$405 filing fee, or fails to respond to this order, 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 filing fee within 30 days of dismissal, the case will be reopened. The court will not reopen the case after 30 days unless plaintiff shows that he is entitled to relief under Federal Rule of Civil Procedure 60(b).

ORDER

IT IS ORDERED that plaintiff Jeffery Nelson may have until March 31, 2025, to pay the \$405 fee to commence this action or respond to this order, as noted above. A ruling on plaintiff's motion to proceed without prepaying fees or costs is STAYED.

Entered this 11th day of March, 2025.

BY THE COURT:

/s/

ANDREW WISEMAN
Magistrate Judge