

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

MICHAEL HILL,

Petitioner,

ORDER

v.

04-C-657-C

JOSEPH SCIBANA,

Respondent.

Petitioner Michael Hill has advised the court that he wishes his pleading alleging racial discrimination and harassment in his job to be treated as a civil action brought pursuant to Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). However, his request is accompanied by a document he wishes appended to the original pleading in which he modifies his claims and revises the entire caption to name respondents other than respondent Scibana. Therefor, I am directing the clerk of court to file petitioner's revised pleading in a new civil action and assign the action a new number. For record purposes, the clerk is directed to retain one copy of petitioner's original pleading in this action and close the file. The \$5 payment that petitioner submitted in connection with this case is to be applied toward the \$150 fee that petitioner owes for filing his revised civil

action.

Petitioner has advised the court that he is in the process of remitting the remainder of the \$150 filing fee for his revised action. Once petitioner has paid the fee, however, he is to take no further action until the court screens his complaint pursuant to 28 U.S.C. § 1915A to determine whether he may proceed further.

Accordingly, IT IS ORDERED that the clerk of court file petitioner's revised complaint in a new case file and assign the case a new number.

Further, IT IS ORDERED that this case is CLOSED. The \$5 check that petitioner submitted is to be applied to his new case.

Entered this 29th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge