

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

WILLIAM PALIN COOKE,

Petitioner,

v.

ORDER
05-C-201-S

AVOL'S BOOKSTORE, "CHARLIE"
and RICHARD RATHMAN,

Respondents.

Petitioner requests leave to proceed in forma pauperis. Attached to his affidavit of indigency is a proposed complaint.

Petitioner alleges that he was denied his First Amendment rights when he was not allowed to speak at Avol's bookstore. To state a claim under 42 U.S.C. § 1983 petitioner must allege that individuals acting under color of state law violated his constitutional rights. Petitioner has not alleged that the respondents were acting under color of state law. Accordingly, petitioner's request to proceed in forma pauperis will be dismissed and denied without prejudice.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his claim must be dismissed. See Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997).

Cooke v. Avol's Bookstore, et al., 05-C-201-S

ORDER

IT IS ORDERED that petitioner's request to proceed in forma pauperis is DENIED and DISMISSED without prejudice.

Entered this 6th day of April, 2005.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge