

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

---

TYRONE JONES,

Petitioner,

v.

ORDER

RICK RAEMISCH, LIZZIE  
TEGELS and JILL SWEENEY,

05-C-535-S

Respondents.

---

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

Pursuant to 28 U.S.C. § 1915(b)(1), as amended by the Prison Litigation Reform Act, effective April 26, 1996, a prisoner bringing a civil action shall be required to pay the full amount of the \$250.00. The Court shall collect an initial partial filing fee of 20% of the greater of the average monthly deposits in the prisoner's account or the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the complaint.

According to the information that petitioner submitted, he does not have the means to pay an initial partial filing fee. Accordingly, the Court will address the merits of his complaint.

Petitioner appears to be alleging that he was unable to resolve the appeal of his conduct report through the administrative

remedy process but does not allege that he was denied access to the process. Plaintiff has not alleged facts that support a claim under federal law. Accordingly, his complaint and all claims contained therein will be dismissed 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 (7<sup>th</sup> Cir. 1997).

ORDER

IT IS ORDERED that petitioner's request to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that the above entitled matter is DISMISSED without prejudice for failure to state a claim for relief under federal law.

Entered this 12<sup>th</sup> day of September, 2005.

BY THE COURT:

S/

---

JOHN C. SHABAZ  
District Judge