

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

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ALGEN M. LAMON,

Plaintiff,

v.

ORDER

PAUL H. BELOUNGY,

06-C-471-S

Defendant.

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Upon receipt of plaintiff's partial filing fee in the amount of \$6.62, the Court addresses the merits of his complaint. According to 28 U.S.C. § 1915(b)(2), the institution's financial officer is authorized to deduct monthly payments from plaintiff's account until the \$350.00 filing fee is paid in full.

Plaintiff alleges that on November 13, 2004 when he was incarcerated at the New Lisbon Correctional Institution defendant Beloungy used excessive force and caused him harm. He alleges that he has exhausted his administrative remedies.

It is possible that plaintiff could prove a set of facts that would support an Eighth Amendment excessive force claim. Accordingly he will be allowed to proceed on this claim.

ORDER

IT IS ORDERED that plaintiff will be allowed to proceed on his Eighth Amendment claim against defendant Paul H. Beloungy.

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The summons and complaint are being delivered to the United States Marshal for service on the defendant Paul H. Beloungy at the New Lisbon Correctional Institution, 2000 Progress Drive, New Lisbon, WI, 53950.

Entered this 13<sup>th</sup> day of September, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge