

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

ANDRE WINGO,

Petitioner,

v.

ORDER

WEST BEND MUTUAL INSURANCE,
WISCONSIN COMMUNITY SERVICES, INC.
MARGO NEIMAN, TEDI GENTRY, WALTER
LEMON and ROMERO WILSON,

07-C-040-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 \$350.00. 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 had no income in the six month time period immediately preceding the filing of the complaint. Petitioner does not have the means to pay an initial partial filing fee.

The Court will address the merits of petitioner's complaint. Petitioner alleges that he was allowed to participate in the Thurgood Marshall's job search program. He was terminated from the program because he was not following the policy. Petitioner alleges that he did not understand the policy and he was discriminated against because of his inability to understand.

Petitioner has not alleged facts that support a claim under either the Americans with Disabilities Act or the Constitution. Accordingly, he will not be allowed to proceed on this claim.

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).

ORDER

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

IT IS FURTHER ORDERED that petitioner's complaint and all claims contained therein is DISMISSED without prejudice for failure to state a claim under federal law.

IT IS FURTHER ORDERED that judgment be entered DISMISSING petitioner's complaint and all claims contained therein without prejudice.

Entered this 23rd day of January, 2007.

BY THE COURT:

s/
JOHN C. SHABAZ
District Judge