

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

ANDRE WINGO,

Plaintiff,

v.

ORDER

MARK KLUCK, CHAD FREY
PEG KENDRIGAN, MELISSA
ROBERTS, DONNA HARRIS
and JAN CUMMINGS,

07-C-69-S

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$1.34, the Court addresses the merits of plaintiff's 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.

Although not completely clear it appears that plaintiff is alleging that the defendants had him involuntarily committed to a mental health treatment facility. He claims that this was a violation of his due process rights.

In Zinermon v. Burch, 439 U.S. 113 (1990), the United States Supreme Court held that a deprivation of an individual's liberty interest does not state a claim under the Fourteenth Amendment due process clause if adequate state post deprivation remedies exist. Plaintiff has adequate state post deprivation remedies including

administrative remedies, a state petition for a writ of habeas corpus and a state court action for damages. Accordingly, he will not be allowed to proceed on his due process claim.

Plaintiff 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 plaintiff'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 plaintiff's complaint and all claims contained therein without prejudice.

Entered this 16th day of February, 2007.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge