

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

DANIEL R. McBRIDE,

Plaintiff,

v.

ORDER

McKINSIE ROOT,

07-C-245-S

Defendant.

Upon receipt of plaintiff's partial filing fee in the amount of \$1.77, 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 while he was confined at the Waupun Correctional Institution, his social worker, defendant McKinsie Root did not give him a passing grade in a group class. This allegation does not support a Constitutional claim. Accordingly, plaintiff's claim must be dismissed for failure to state a claim under federal law.

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).

McBride v. Root, 07-C-245-S

ORDER

IT IS ORDERED that plaintiff's complaint and all claims contained therein is DISMISSED without prejudice.

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

Entered this 14th day of May, 2007.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge