

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

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SHAWN DON JOHNSON,

Plaintiff,

v.

Ms. SHOUTEN,

Defendant.

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ORDER  
07-C-294-S

Upon receipt of plaintiff's partial filing fee in the amount of \$4.41, 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 he was denied his due process rights during a disciplinary proceeding at the Fox Lake Correctional Institution. He is seeking 5 million dollars.

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. Petitioner 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, plaintiff's complaint must be dismissed for failure to state a claim for relief 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 (7<sup>th</sup> Cir. 1997).

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 19th day of June, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge