

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

DWAYNE ALMOND,

Plaintiff,

ORDER

v.

14-cv-174-bbc

WILLIAM POLLARD, DR. BAIRD, DR. ENDRES,
DR. JOHNSON, SECRETARY MORGAN,
WELCOME ROSE, CHARLES FACKTOR
and KAREN GOURLIE,

Defendants.

Plaintiff Dwayne Almond, an inmate at the Waupun Correctional Institution, brings this lawsuit contending that Department of Corrections staff have violated his Eighth Amendment rights by failing to treat him for paranoid schizophrenia. Plaintiff has “struck out” under 28 U.S.C. § 1915(g) and has a long history of unsuccessful litigation in this court. In a recent case brought by plaintiff, I imposed the following sanction:

As a means of avoiding additional waste of court resources responding to frivolous complaints containing only the magic words “imminent danger” rather than conditions truly passing muster under § 1915(g), the court will bar plaintiff from proceeding in forma pauperis on future “imminent danger” claims relating to his perceived back and abdomen ailments unless plaintiff’s complaint is accompanied by records showing that plaintiff has been diagnosed with new ailments and is failing to receive treatment for them. Future “imminent danger” lawsuits filed by plaintiff regarding back and abdomen problems that do not include such documentation will be deemed automatically dismissed after 30 days unless the court orders otherwise. Alexander v. United States, 121 F.3d 312, 315 (7th Cir. 1997).

Almond v. Pollard, No. 12-cv-259-bbc (W.D. Wis. Aug. 28, 2013).

Since that order was entered, plaintiff has filed a case regarding a bleeding hemorrhoid that I dismissed for plaintiff's failure to show that he had a serious medical need, Almond v. Pollard, 14-cv-5-bbc (W.D. Wis. Apr. 22, 2014), and the present case, in which he alleges that prison officials are not treating him for paranoid schizophrenia. Although plaintiff's current complaint does not concern his back or abdomen, it does raise allegations about mental health treatment identical to those I have addressed in previous cases, stating that prison mental health staff has concluded that plaintiff does not have schizophrenia and that their failure to treat him for that disorder does not constitute deliberate indifference.

Unfortunately for plaintiff, he continues to rely almost exclusively on . . . past diagnoses without explaining why defendant Rolli acted with deliberate indifference. But it is not enough for plaintiff to show that he was once diagnosed with schizophrenia; McQueeney and defendant Rolli disagreed with previous diagnoses of schizophrenia, but this disagreement does not sustain a deliberate indifference claim. Gutierrez v. Peters, 111 F.3d at 1374 (7th Cir. 1997). . . .

Almond v. Pollard, No. 10-cv-621-bbc (W.D. Wis. Oct. 24, 2011); see also Almond v. Pollard, No. 12-cv-100-bbc (W.D. Wis. Aug. 20, 2012) ("In the face of the evidence adduced in case no. 10-cv-621-bbc, plaintiff's allegations about his identical treatment at the Waupun prison does not suffice to show that he is imminent danger."). Therefore, as in case no. 12-cv-100-bbc, I will deny plaintiff's motion for leave to proceed in forma pauperis because he fails to show that he is in imminent danger of serious physical harm and will dismiss the case for plaintiff's failure to state a claim upon which relief may be granted.

Moreover, even despite the filing bar in place regarding new cases about plaintiff's

perceived back or abdominal problems, plaintiff has continued wasting judicial resources by filing cases that have no hope of success. In an effort to avoid further waste of resources, I will expand plaintiff's filing bar. In the future, any complaints plaintiff files in this district will be deemed dismissed after 30 days unless the court orders otherwise. Alexander v. United States, 121 F.3d 312, 315 (7th Cir. 1997).

ORDER

IT IS ORDERED that

1. Plaintiff Dwayne Almond's motion for leave to proceed in forma pauperis in this case, dkt. #1, is DENIED because plaintiff fails to qualify under the imminent danger standard of 28 U.S.C. § 1915(g).
2. This case is DISMISSED with prejudice for plaintiff's failure to state a claim upon which relief may be granted.
3. Plaintiff is obligated to pay the unpaid balance of his filing fee in monthly payments as described in 28 U.S.C. § 1915(b)(2). This court will notify the warden at the Waupun Correctional Institution of that institution's obligation to deduct payments until the filing fee has been paid in full.
4. Any further complaints filed by plaintiff will be deemed dismissed after 30 days unless the court orders otherwise. Alexander v. United States, 121 F.3d 312, 315 (7th Cir.

1997).

Entered this 29th day of April, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge