

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

VICTOR KENNETH JOHNSON,

Petitioner,

v.

ORDER

03-C-213-C

EMPLOYEES WAUPUN CORRECTIONAL
INSTITUTION; G.M. McCAUGHTRY (Warden);
PAULINO BELGADO (M.D.); B. SCHRUBBE (R.N.);
M. GORSKI (R.N.); VARIOUS CORR. OFFICERS of
W.C.I.; and J. MUENCHOW (Grievance Litigator);

Respondents.

Petitioner Victor Kenneth Johnson, an inmate at the Waupun Correctional Institution, has moved for reconsideration of this court's order of May 5, 2003, denying his request for leave to proceed in forma pauperis on his claim that respondents provided him with poor care and committed medical malpractice. When I denied petitioner's request for leave to proceed, I reviewed the sparse factual allegations in his proposed complaint and concluded that no fact alleged supported an inference that petitioner had suffered from a serious medical need to which respondents had been deliberately indifferent. I advised petitioner that absent such allegations, his complaint failed to state a claim that this court

has the power to entertain.

In his motion for reconsideration, petitioner explains that he never intended his submission to be treated as a proposed complaint. He states that he believed he was completing a “credit application” in support of a request for permission to pay the filing fee in installments at a later date. He did not understand that he had to file a proposed complaint at the same time that he requested pauper status. Indeed, he contends that he is not yet ready to file a complaint.

The statute governing applications for pauper status is 28 U.S.C. § 1915. Under the terms of that statute, a prisoner’s complaint must be screened before the court can decide whether to grant pauper status. If the prisoner sues a person who cannot be sued, or complains about a matter that cannot be heard in federal court, or alleges facts that fail to state a legally meritorious constitutional or federal law claim, then his request for leave to proceed in forma pauperis must be denied. See 28 U.S.C. § 1915(e)(2). If petitioner wishes this court to reopen this case, he will have to file a new motion for reconsideration that is accompanied by a formal complaint. Until then, his request for reconsideration of the dismissal is premature.

ORDER

IT IS ORDERED that petitioner’s motion for reconsideration of the order entered

on May 5, 2003, denying him leave to proceed in forma pauperis and dismissing this case is DENIED.

Entered this 20th day of May, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge