

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

-----  
DARCE de CORO,

Petitioner,

v.

FRED SIGGLEKOW,

Respondent.

-----

ORDER

04-C-874-C

In an order dated December 21, 2004, I gave petitioner Darce de Coro until January 5, 2005, in which to supplement his complaint with factual allegations from which I could infer that he is similarly situated to the persons he alleges are receiving better treatment than he is receiving. Specifically, I asked petitioner to advise me what type of criminal charges are pending against him as opposed to the type of charges pending against the patients allowed to live in medium security conditions at the Mendota Mental Health Institute. In the December 21 order, I cautioned petitioner that if he failed to submit a supplement to his complaint by January 5, I would deny him leave to proceed in forma pauperis for his failure to state a claim of a violation of his equal protection rights. It is now past the January 5 deadline and plaintiff has not supplemented his complaint. Therefore,

I will deny petitioner leave to proceed on his claim that respondent Fred Skigglekow is violating his rights under the equal protection clause of the Fourteenth Amendment by refusing to transfer him to medium security at the Mendota Mental Health Institute.

ORDER

IT IS ORDERED that petitioner Darce de Coro's request for leave to proceed in forma pauperis on his Fourteenth Amendment claim is DENIED and this case is DISMISSED with prejudice for petitioner's failure to state claim upon which relief may be granted. The clerk of court is directed to close the file.

Entered this 13th day of January, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge