

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

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TYRONE JONES,

Plaintiff,

v.

ORDER

WARDEN DAN A. BUCHLER  
and OFFICER LARRY FUCHO,

05-C-357-S

Defendants.

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Upon receipt of plaintiff's partial filing fee in the amount of \$.89 the Court addresses the merits of his initial 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 \$250.00 filing fee is paid in full.

Plaintiff alleges that he was denied due process during his disciplinary proceedings.

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 will be dismissed for his 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 for plaintiff's failure to state a claim for relief under federal law.

Entered this 12<sup>th</sup> day of July, 2005.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge