

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

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SHAWN ANTHONY BEASLEY,

Plaintiff,

v.

ORDER

MANITOWOC COUNTY SHERIFF'S  
DEPARTMENT, MANITOWOC COUNTY  
JAIL, MS. GEORGIA, MR. HOSTERIETOR,  
LARRY WHELNICK and KENNETH PETERSON,

05-C-377-S

Defendants.

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Upon receipt of plaintiff's partial filing fee in the amount of \$2.70 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 incarcerated at the Manitowoc County Jail for one day and that three doses of his oxycontin were crushed in water. This allegation does not support a claim for deliberate indifference under the Eighth Amendment. Accordingly, his complaint will be dismissed for failure to state a federal law claim.

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 failure to state a claim under federal law.

Entered this 19<sup>th</sup> day of July, 2005.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge