

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

SALOME M. FONESCA,

Plaintiff,

v.

ORDER

MICHAEL PULICE, MICHAEL MONROE,
BARBARA SUTTON, DAVID R. BRATHWAITE,
DAVID M. SCHWARTZ, PATRICIA CAL-BAKER,
JILL N. FALSTAD, PATRICK M.. BRADY, DAVID
W. KECK, PAUL M. GOETZ, BRIAN FINDLEY,
GEORGE M. WEBER, PEGGY A. LAUTENSCHLAGER
and JAMES E. DOYLE, JR.,

05-C-672-S

Defendants.

Upon receipt of plaintiff's initial partial filing fee the above entitled matter will be reopened. The Court will address the merits of plaintiff's complaint.

Plaintiff alleges that his probation was revoked. He is challenging the constitutionality of the conditions of his probation.

Challenges to plaintiff's conditions of probation are not properly before this Court. Such challenges must be brought as a habeas action in state court, not under 42 U.S.C. § 1983. Williams v. Wisconsin, 336 F.3d 576, 579 (7th Cir. 2003). Accordingly, the above entitled action will be dismissed without prejudice for failure to state a 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 (7th Cir. 1997).

ORDER

IT IS ORDERED that the above entitled matter is REOPENED.

IT IS FURTHER ORDERED that plaintiff's complaint and all claims contained therein is DISMISSED without prejudice for failure to state a claim.

Entered this 22nd day of December, 2005.

BY THE COURT:

____s/_____
JOHN C. SHABAZ
District Judge