

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

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CHRISTOPHER BLAKE,

Plaintiff,

v.

ORDER

DR. KAPLAN, DR. HIEDRON, GREENWOOD  
HERTEL, STEPHANIE SEQUIN, WARDEN BERTRAND,  
WARDEN POLLARD, ASST. WARDEN BEANEN,  
SENIOR OFFICER CAMPBELL, CYNTHIA THORPE,  
JOHN RAY. RICK RAEMISCH, GLEN RIPLEY and  
MATTHEW FRANK,

06-C-059-S

Defendants.

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Upon receipt of plaintiff's partial filing fee in the amount of \$7.36 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 while he was incarcerated at the Green Bay Correctional Institution he was infected with Methicillin Resistant Staphylococcus Aureus. He alleges that he was treated with antibiotics. He further alleges that he became immune to the drugs with which he was treated. Plaintiff alleges that he received treatment for his infection but did not receive the treatment which he believed he should have received. Plaintiff alleges that defendants were negligent in treating his infection.

Allegations of deliberate indifference to an inmate's serious medical need violates the Eighth Amendment. Estelle v. Gamble, 429 U.S. 97 (1976). Disagreements over medical care and negligent treatment do not rise to the level of an Eighth Amendment claim. Plaintiff's allegations are insufficient to support an Eighth Amendment claim. Accordingly, the above entitled case will be dismissed for failure to state a claim 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 failure to state a claim.

Entered this 23<sup>rd</sup> day of February, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge