

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

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ERIC PRINCE HOLTON,

Plaintiff,

v.

ORDER

WISCONSIN DEPARTMENT OF CORRECTIONS,  
WISCONSIN BOARD OF PRISON COMMISSIONERS  
and STATE OF WISCONSIN, CAPTAIN SCHOLKE,  
T.H. WILLIAMS and DR. HEINZL,

06-C-190-S

Defendants.

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Upon receipt of plaintiff's partial filing fee in the amount of \$1.86 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 Dodge Correctional Institution, Sheboygan County Jail and the New Lisbon Correctional Institution he was denied medical and dental treatment by defendants Captain Scholke, T.H. Williams and Dr. Heinzl. He will be allowed to proceed on his Eighth Amendment deliberate indifference claims against these defendants.

The Wisconsin Department of Corrections and the Wisconsin Board of Prison Commissioners will be dismissed because they are not suable entities. The State of Wisconsin will be dismissed as a

defendant because it is entitled to Eleventh Amendment immunity. The John Doe defendants will be dismissed as they are unable to be served.

ORDER

IT IS ORDERED that plaintiff will be allowed to proceed on his Eighth Amendment deliberate indifference claims against defendants Captain Scholke, T. H. Williams and Dr. Heinzl.

The summons and complaint are being delivered to the United States Marshal for service on Captain Scholke at the Sheboygan County Jail, on T.H. Williams at the Dodge Correctional Institution, P.O. Box 700, Waupun, Wisconsin, 53963 and on Dr. Heinzl at the New Lisbon Correctional Institution, P.O. Box 4000, New Lisbon, Wisconsin, 53950.

Entered this 5<sup>th</sup> day of May, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge