

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

RODOSVALDO C. POZO,

Plaintiff,

v.

ORDER

CINDY SAWINSKI, DR. COX, DR. THOMAS
BOSTON, B. KOOL, MS. HARPER, P.
HUIBREGTSE, ALLEN K. RAY, KELLY TRUMM,
CYNTHIA THORPE, SGT. KUSSMAUL, SGT.
HOTTENSTEIN and R. SCHNEITER,

06-C-206-S

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$.49 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 WSPF, Boscobel, Wisconsin defendants Cindy Sawinski and Dr. Cox denied him treatment for his infected ear from February 8, 2005 through June 12, 2005 which caused him pain and suffering. He also alleges that Defendant Sawinski and Dr. Boston denied him dental treatment. He further alleges that defendant Richard Schneiter deprived him of visits with his daughter.

Plaintiff may be able to prove a set of facts that would support Eighth Amendment deliberate indifference claims against

defendants Sawinski, Cox and Boston and a First Amendment claim against defendant Schneider. He will be allowed to proceed on these claims.

Plaintiff's allegations do not support any claims against the remaining defendants. These defendants will be dismissed.

ORDER

IT IS ORDERED that plaintiff is allowed to proceed on his Eighth Amendment deliberate indifference claims against defendants Cindy Sawinski, Dr. Cox and Dr. Boston and on his First Amendment claim against defendant Richard Schneider.

IT IS FURTHER ORDERED that the remaining claims and defendants are DISMISSED.

The summons and complaint are being delivered to the United States Marshal for service upon defendants Sawinski, Cox, Boston and Schneider at the WSPF, P.O. Box 9900, Boscobel, Wisconsin, 53805.

Entered this 5th day of May, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge