

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

RICHARD SAMUELS,

Plaintiff,

v.

ORDER

FREDERICK HATHAWAY,
DR. JOHN CASEBOLT, DR.
SAMUEL T. KOHL, DR. O'BRIEN,
DR. LUY and HOLLY PUHL.

06-C-245-S

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$16.50 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 \$350.00 filing fee is paid in full.

Plaintiff alleges that Dr. Hathaway is guilty of medical malpractice and negligence arising from plaintiff's hip replacement surgery. He further disagrees with the medical treatment he is receiving from the other defendants.

Plaintiff's allegations do 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's motion for injunctive relief will be denied as moot.

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 plaintiff's complaint and all claims contained therein is DISMISSED without prejudice for failure to state a claim under federal law.

IT IS FURTHER ORDERED that plaintiff's motion for injunctive relief is denied as moot.

Entered this 23rd day of May, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge