

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

ANDREW SCHNEIDER,

Plaintiff,

v.

ORDER

CITY OF WEST BEND, CITY OF WEST BEND
POLICE DEPARTMENT, WASHINGTON COUNTY,
DAVID N. RETTLER and SPOUSE, DAVID
RESESKE and SPOUSE, ERIC J. SZATKOWSKI
and SPOUSE, ROY R. KORTE and SPOUSE,
KENNETH J. MUELLER and SPOUSE, STEVE
HOOGSTER and SPOUSE, DARYL W. LAATSCH
and SPOUSE, KATHRYN W. FOSTER and SPOUSE,
MATTHEW J. FRANK and SPOUSE, KEVIN POTTER
and POTTER, WISCONSIN DEPARTMENT OF CORRECTIONS
and THIRTY JOHN and JANE DOES,

06-C-380-S

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$18.62, the above entitled matter will be reopened. 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.

After United States District Judge Barbara B. Crabb disqualified herself in the above entitled matter, it was reassigned to this Court.

Plaintiff alleges that when he was in Washington County Jail unidentified officials confiscated his prosthesis, leg brace and

crutches. He further alleges that unidentified prison officials refused to order him a new prosthesis. He also alleges that unidentified officials at the Stanley Correctional Institution refused to permit him to transport boiling liquids in a covered container causing him to incur serious burns to his lower body.

Although these allegations might support an Eighth Amendment deliberate indifference claim plaintiff, however, has not identified nor named the individuals who allegedly took these actions. Further he has not alleged that he has exhausted his administrative remedies. Accordingly, plaintiff will not be allowed to proceed on these claims.

Plaintiff pursues many claims alleging that he is not a citizen of the United States. He will not be allowed to proceed on these claims because they are frivolous.

Plaintiff also pursues claims concerning his arrest and criminal convictions which are barred because his convictions have not been overturned. Heck v. Humphrey, 512 U.S. 477 (1994). He will not be allowed to proceed on these claims.

Plaintiff also pursues retaliation claims. He cannot proceed on these claims because he has not named those who allegedly retaliated against him.

ORDER

IT IS ORDERED that plaintiff's complaint and all claims

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

IT IS FURTHER ORDERED that judgment be entered dismissing plaintiff's complaint and all claims contained therein without prejudice.

Entered this 14th day of September, 2006.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge