

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

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WALTER LEE HALL,

Plaintiff,

v.

ORDER

PAUL CLEMENS and FEDERAL  
BUREAU OF PRISONS,

06-C-505-S

Defendants.

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Upon receipt of plaintiff's partial filing fee in the amount of \$63.90, the Court addresses the merits of plaintiff's 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 on March 3, 2006 defendant Paul Clemens gave him a tuberculosis skin test although plaintiff advised him that he had positive reactions to skin tests. He further alleges that his whole arm was swollen and blistered.

Although it is possible that plaintiff has alleged facts that might support an Eighth Amendment claim, he does not allege that he has exhausted his administrative remedies which is required by 42 U.S.C. § 1997e. Accordingly, plaintiff's complaint will be dismissed without prejudice for his failure to exhaust his administrative remedies.

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 exhaust his administrative remedies.

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

Entered this 3<sup>rd</sup> day of October, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge