

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

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TIMOTHY M. BROWN,

Plaintiff

v.

ORDER

BOB MUNDT, Mr. SEDILLO, MR.  
PARDO, MR. SWANSON and FEDERAL  
BUREAU OF PRISONS,

06-C-510-S

Defendants.

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Upon receipt of plaintiff's partial filing fee in the amount of \$5.46, 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 prison officials are requiring him to pay restitution on a sentence which has expired. This is not unlawful pursuant to 18 U.S.C. §3613(b). Accordingly, plaintiff has not stated a claim for relief under federal law and his complaint will be dismissed.

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).

Brown v. Mundt, et al., 06-C-510-S

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 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