

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

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DWAYNE ALMOND,

Petitioner,

ORDER

v.

06-C-558-C

STATE OF WISCONSIN, GREEN  
BAY WARDEN OF PRISON, LT.  
LeSATZ of prison, MR. MCQUEENEY,  
psychiatrist, MS. MARY BREEN, Psychologist,  
MR. LT. SWIEKATOWSKI, MS. SARAH  
COOPER, Supervisor, MR. MICHAEL J.  
MOHR, ICE Department,

Respondents.  
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This is a proposed civil action for monetary relief under 42 U.S.C. § 1983. Petitioner Dwayne Almond, an inmate at the Green Bay Correctional Institution in Green Bay, Wisconsin, contends that respondents violated his constitutional rights under the Eighth Amendment of the United States Constitution by denying him medical care for cuts on his feet. I note that petitioner filed five other lawsuits on the same day he filed this action. Petitioner's complaints in Case Nos. 06-C-556-C, 06-C-557-C, 06-C-559-C, 06-C-560-C and 06-C-561-C will be addressed in separate orders.

In orders dated August 23, 2006, I denied petitioner leave to proceed in Case Nos. 06-C-447-C, 06-C-448-C and 06-C-449-C because the claims he raised in those lawsuits were legally meritless. Consequently, I issued petitioner one strike for each of his meritless lawsuits, as I was required to do under 28 U.S.C. § 1915(g). As I explained to petitioner in an order dated August 24, 2006, in Case No. 06-C-450-C, because he has accumulated three strikes under § 1915(g), he may not seek pauper status in this or any future civil action or appeal “unless [he] is under imminent danger of serious physical injury.” Therefore, my review of petitioner’s complaint is limited to determining whether he has alleged that he is in imminent danger of such injury. Because he has not done so, petitioner’s request to proceed in forma pauperis will be denied.

In his complaint, petitioner alleges the following facts.

#### ALLEGATIONS OF FACT

Petitioner Dwayne Almond is a prisoner at the Green Bay Correctional Institution in Green Bay, Wisconsin.

On April 12, 2006, petitioner was transferred from the Columbia Correctional Institution in Portage, Wisconsin, to the Green Bay Correctional Institution after he had made a suicide attempt. When he arrived at the Green Bay Correctional Institution, petitioner told prison staff that he had cut himself just before his transfer. Prison staff

members removed all sharp objects from petitioner's possession, but did not take him to see a doctor for cuts on his feet.

Petitioner suffers from paranoid schizophrenia, psychosis and mental retardation. His life is difficult and he feels isolated and unloved. Petitioner often considers his life to be "a waste" and tries to harm himself.

### OPINION

Petitioner alleges that on April 12, 2006, he informed prison officials at the Green Bay Correctional Institution that he had harmed himself while confined at the Columbia Correctional Institution. Prison officials responded by confiscating all sharp object petitioner possessed in an effort to prevent further harm. Prison officials did not take petitioner to see a doctor for cuts on his feet. Petitioner does not indicate that the cuts were serious and it is reasonable to assume that those cuts have healed. Petitioner seeks only money damages for the denial of medical treatment.

As discussed above and in the court's previous opinions, because petitioner has filed three legally frivolous lawsuits, he is barred from proceeding in forma pauperis unless he alleges that he is in imminent danger of serious physical harm. His allegations in this case do not suggest that he is in immediate danger of harm; consequently, his request for leave to proceed in forma pauperis will be denied. Nevertheless, petitioner must pay the \$350 fee

for filing this action, whether or not he intends to pursue it. If petitioner does not pay the fee by October 20, 2006, the clerk of court is directed to close this case and notify the warden of the Green Bay Correctional Institution of petitioner's obligation to pay the fee. It will be up to the warden to determine how amounts deposited to petitioner's account, if any, might be utilized to pay petitioner's debt to this court, even though the installment provision of 28 U.S.C. § 1915(b)(2) does not apply to petitioner. Dallas v. Gamble, slip op. WL 2371346 (W.D. Wis. Aug. 14, 2006).

#### ORDER

IT IS ORDERED that petitioner Dwayne Almond's request to proceed in forma pauperis is DENIED.

Further, IT IS ORDERED that petitioner may have until October 20, 2006, in which to pay the \$350 fee for filing this action. If, by October 20, 2006, petitioner fails to pay the required filing fee, the clerk of court is directed to close this case and notify the warden of

the Green Bay Correctional Institution of petitioner's obligation to pay the filing fee.

Entered this 4th day of October, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge