

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

ANTHONY MAURICE FLETCHER,

Plaintiff,

v.

ORDER

OFFICER KRUEGER, OFFICER CLEVEN,
RICHARD A. SCHNEITER, GAY SCHMIDT,
MR. GARDNER, MR. MIKELSON, CAPTAIN BROWN,
MATTHEW J. FRANK. RICK RAEMISCH, SGT. FARGEN,
RN JOLINDA, RN JOHN and STEVEN B. CASPERSON,

06-C-576-S

Respondents.

Upon receipt of plaintiff's partial filing fee in the amount of \$1.26, 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 when he was at the Wisconsin Secure Facility on August 12, 2006 he waited 20 minutes for medical attention after he fell. He alleges that on August 16, 2006 he fell in the shower and had to wait 2 hours for medical attention,. He alleges this was because the rule provided he had to be handcuffed before he received medical attention. Plaintiff also alleges that on August 30, 2006 he was exposed to chemical fumes through his vent and was not allowed to take an immediate shower.

Allegations of deliberate indifference to an inmate's serious medical need state a cause of action under the Eighth Amendment. Estelle v. Gamble, 429 U.S. 97 (1976). Plaintiff has not alleged that any delay caused by security concerns in his receiving medical treatment or a shower harmed him. He did receive medical treatment. His allegations do not rise to the level of an Eighth Amendment violation. Accordingly, plaintiff's complaint will be dismissed for failure to state a claim.

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 judgment be entered DISMISSING plaintiff's complaint and all claims contained therein without prejudice.

Entered this 3rd day of November, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge