

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

DONALD W. WRIGHT,

Petitioner,

v.

ORDER

WISCONSIN STATE DEPARTMENT,
MILWAUKEE COUNTY SHERIFF'S
DEPARTMENT and UNITED STATES
EASTERN WISCONSIN DISTRICT COURT,

06-C-589-S

Respondents.

Petitioner requests leave to proceed in forma pauperis.
Attached to his affidavit of indigency is a proposed complaint.

Pursuant to 28 U.S.C. § 1915(b)(1), as amended by the Prison Litigation Reform Act, effective April 26, 1996, a prisoner bringing a civil action shall be required to pay the full amount of the \$350.00. The Court shall collect an initial partial filing fee of 20% of the greater of the average monthly deposits in the prisoner's account or the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the complaint.

According to the information that petitioner submitted, he had no income in the six month time period immediately preceding the filing of the complaint. Petitioner does not have the means to pay an initial partial filing fee. Accordingly, petitioner's request to proceed in forma pauperis will be granted.

The Court will address the merits of petitioner's complaints. Petitioner has not named any defendant who is a suable entity. Although petitioner's allegations are not clear, petitioner may be challenging his state court commitment. To properly challenge this commitment petitioner must file a petition for a writ of habeas corpus after exhausting his state court remedies. Petitioner's complaint and all claims contained therein will be dismissed without prejudice for failure to state a claim under 42 U.S.C. § 1983.

ORDER

IT IS ORDERED that petitioner's request to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that petitioner's complaint and all claims contained therein are DISMISSED without prejudice.

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

Entered this 16th day of October, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge