

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

JASON ALLEN JONES,

Plaintiff,

v.

ORDER

MATTHEW FRANK, PHIL KINGSTON,
DON STRAHOTA, GARY ANKARLO and
DEBRA FISHER,

07-C-010-S

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$12.54, 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 he is incarcerated at the Waupun Correctional Institution in the segregation unit. He alleges that he is depressed and suicidal. He alleges that he is not receiving adequate mental health treatment but that he is receiving mental health treatment from a psychologist. Plaintiff requests a transfer to the North Cell Hall at Waupun or to a mental health facility.

Allegations of deliberate indifference to an inmate's serious medical need state a claim under the Eighth Amendment. Estelle v. Gamble, 429 U.S. 97 (1976). Allegations of a disagreement of

medical treatment does not rise to the level of an Eighth Amendment violation.

Plaintiff alleges that he is receiving treatment but not the treatment that he wants. This allegation does not rise to the level of an Eighth Amendment violation. Accordingly, plaintiff's complaint must be dismissed for failure to state a claim under federal law.

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 for relief under federal law.

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

Entered this 18th day of January, 2007.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge