

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

ANDRE WINGO,

Plaintiff,

v.

ORDER

MATTHEW FRANK, RICHARD RAEMISCH,
PEG KENDRIGAN, CHAD FREY, MARK
KLUCK and NATE FOGLE

07-C-42-S

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$1.22, 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 on March 31, 2006 the defendants removed him from a community program and re-incarcerated him to complete his mental health treatment. Plaintiff alleges that he has a right to be in a community program.

Plaintiff has not alleged facts that support a claim that his Constitutional rights or rights under federal law were violated. Accordingly, his complaint must 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 (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 16th day of February, 2007.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge