

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

ANDRE WINGO,

Plaintiff,

v.

ORDER

DR. ROBERT BREVARD,

07-C-43-S

Defendant.

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 November 22, 2006 Dr. Brevard filled cavities in his teeth without giving him any antibiotics although he had a heart condition. He has not alleged that he was harmed.

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). Petitioner has not alleged that the defendant's actions were deliberately indifferent to a serious medical need or caused him any harm. Plaintiff has not stated a claim for relief 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 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