

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

DEMETRIUS GRAYSON,

Plaintiff,

v.

ORDER
07-C-310-S

SHERYL L. GRABER, MARY JOE,
CHRIST VAN ENVENHOVEN, MICHAEL
MURPHY and TIM DOUMA,

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$4.41, 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 was terminated from the Earned Release program and placed in punitive segregation for no reason. He further alleges that his inmate complaints were dismissed concerning this incident. It appears plaintiff is alleging that his due process rights were violated.

In Zinermon v. Burch, 439 U.S. 113 (1990), the United States Supreme Court held that a deprivation of an individual's liberty interest does not state a claim under the Fourteenth Amendment due process clause if adequate state post deprivation remedies exist. Petitioner has adequate state post deprivation remedies including administrative remedies, a state petition for a writ of habeas

corpus and a state court action for damages. Accordingly, plaintiff's complaint must be dismissed for failure to state a due process claim under federal law. Further, plaintiff's allegations do not support an Eighth Amendment claim and the above entitled action will be dismissed without prejudice.

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.

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

Entered this 19th day of June, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge