

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

ROBERT B. CIARPAGLINI,

Plaintiff,

v.

ORDER

DARIA SULIENE, SANDRA SITZMAN,
STEVE HELGERSON, NANCY HAHNISCHE,
KIM CAMPBELL, NURSE KERTARKUS, GREG
GRAMS, MARC CLEMENTS, JANEL NICKEL, DYLAN
RADTKE, BURT TAMMINGA, MARDELL PETRAS,
MARY LEISER, MIKE MARSHALL, SGT. DELONG,
BRAIN FRANSON, JAMES SPANGBERG, TIMOTHY HIGBEE,
KAY MORSE, PEGGY DOUCETTE, COLLEEN JAMES, MAY
MILLARD, ROMAN KAPLAN, CYNTHIA THORPE, TOM
GOZINSKE, RICK RAEMISCH, MATTHEW FRANK and
DELORES RESTER,

07-C-339-S

Defendants.

Upon receipt of plaintiff's initial partial filing fee of \$30.64 the Court addresses the merits of his complaint. The Court determines that 28 U.S.C. § 1915(g) applies to plaintiff.

28 U.S.C. §1915(g) states as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff Ciarpaglini has on three or more occasions while incarcerated brought civil actions which were dismissed for the reasons listed in §1915(g). These cases are: Ciarpaglini v. Knick, et al., 96-C-427 (June 17, 1996, E.D. Wis.); Ciarpaglini v. Doyle, 96-C-847-S (October 11, 1996, W.D. Wis.) and Ciarpaglini v. Pray, et al., 96-C-598-S (October 11, 1996, W.D. Wis.).

Plaintiff alleges that he is dissatisfied with the treatment and pain medication that he has been receiving at CCI for his excruciating pain. He alleges that this ineffective treatment places him in danger of serious physical injury. Plaintiff alleges he is receiving medical treatment for his pain. Plaintiff's allegations do not support his conclusion that this places him at risk for serious physical injury.

Accordingly, the Court will vacate its order granting petitioner's request to proceed in forma pauperis and will deny his request pursuant to 28 U.S.C. §1915(g).

ORDER

IT IS ORDERED that this Court's June 27, 2007 order granting plaintiff's request to proceed in forma pauperis is VACATED.

IT IS FURTHER ORDERED that plaintiff's request to proceed in forma pauperis is DENIED and DISMISSED without prejudice.

Ciarpaglini v. Suliene, et al., 07-C-339-S

IT IS FURTHER ORDERED that judgment be entered DENYING and DISMISSING without prejudice plaintiff's request to proceed in forma pauperis.

Entered this 18th day of July, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge