

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

NORMAN L. DISMUKE,

Plaintiff,

v.

ORDER
07-C-431-S

MR. LUNDQUISE, MS. TEGELS,
LARRY FUCHS, PATRICIA JAMES,
CAPTAIN DEANKE and CAPTAIN
KANNENBERG,

Defendants.

Upon receipt of plaintiff's partial filing fee in the amount of \$18.58, 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 New Lisbon Correctional Institution and that on May 23, 2007 while he was working in the kitchen he slipped on a puddle of water on a freshly waxed floor and injured his shoulder and lower back. He alleges that the state breached its duty to provide a safe work environment.

Allegations of negligence do not rise to the level of a Constitutional claim. Plaintiff has not alleged actions by any of the named defendants that would support a claim that they were

deliberately indifferent to his safety in violation of the Eighth Amendment. Accordingly, his complaint and all claims contained therein must be dismissed without prejudice for his failure to state 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.

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

Entered this 27th day of August, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge