

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

NORMAN FOSTER,

Petitioner,

v.

RANDALL HEPP, Warden Jackson Correctional,
K. BAUER, Correctional Officer, JODI
DOUGHERTY, Inmate Complaint Examiner,
D. BOYD, Program Supervisor, TOM
GOZINSKE, Corrections Complaint Examiner
and RICK RAEMISCH, Deputy Secretary,

Respondents.

ORDER

08-cv-225-slc

Because Judge Shabaz is on a medical leave of absence from the court for an indeterminate period, the court is assigning 50% of its caseload automatically to Magistrate Judge Stephen Crocker. Consents to the magistrate judge's jurisdiction have not yet been filed by all the parties to this action. Therefore, for the purpose of issuing this order only, I am assuming jurisdiction over the case.

This is a proposed civil action brought pursuant to 42 U.S.C. § 1983. Petitioner Norman Foster, a prisoner, seeks leave to proceed in forma pauperis. In a previous order,

Magistrate Judge Crocker directed petitioner to make an initial partial payment of \$6.27, which the court has received.

Because petitioner is a prisoner, I am required under the 1996 Prison Litigation Reform Act to screen his complaint and dismiss any claims that are legally frivolous, malicious, fail to state a claim upon which relief may be granted or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. §§ 1915 and 1915A. Having reviewed petitioner's complaint, I conclude that the case must be dismissed for petitioner's failure to state a claim upon which relief may be granted.

Petitioner's claim is that he was fired from his prison job because of "false" and "malicious" statements made by respondent K. Bauer. He says he is suing her and those who went along with her decision for "harassment," "embarrassment" and "humiliation, along with altering [his] living standards." In addition, he contends that he did not receive due process before he lost his job.

Although it is understandable that petitioner would be upset about what he perceives to be unfair treatment, his loss is not one that can be remedied through a federal lawsuit. His prison job may have been very important to him, but the court of appeals has held that the Constitution does not guarantee prisoners a right to employment. Higgason v. Farley, 83 F.3d 807, 809 (7th Cir. 1996); Vanskike v. Peters, 974 F.2d 806, 809 (7th Cir. 1992).

With respect to his due process claim, the Supreme Court has held that prisoners are

not entitled to any process under the Constitution unless their duration of confinement is increased or they are subjected to an "atypical and significant" hardship. Sandin v. Conner, 515 U.S. 472, 484 (1995). The loss of a prison job does not meet that high standard. Hoskins v. Lenear, 395 F.3d 372, 374- 75 (7th Cir. 2005) (prisoner not entitled to process for discipline of two months' segregation, loss of prison job, loss of privileges and transfer).

ORDER

IT IS ORDERED that

1. This case is DISMISSED for petitioner Norman Foster's failure to state a claim upon which relief may be granted.
2. A strike will be recorded in accordance with 28 U.S.C. § 1915(g)
3. The unpaid balance of petitioner's filing fee is to be paid in monthly payments according to 28 U.S.C. § 1915(b)(2).

Entered this 12th day of June, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge