

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

QUINTIN D. L'MINGGIO,

Plaintiff,

ORDER

v.

01-C-0559-C

PAMELA BARTELS, SHIRLEY OLSON,
DR. BOSTON, PATTY BOEBEL,
JOLENE MILLIN and SUZANE WATTERS,

Defendants.

Plaintiff has filed a document titled "Plaintiff Motion to Supplement the Record as to Defendant Dr. Boston," which I construe as a motion to supplement the complaint in this action. The motion will be denied as unnecessary.

In his motion, plaintiff asks that he be allowed to add into the record that from June 18, 2001 to July 10, 2001, defendant Boston subjected him to "unnecessary and wanton infliction of pain." However, plaintiff is already proceeding on a claim that defendant Boston violated his Eighth Amendment right to be free from cruel and unusual punishment when he failed to treat plaintiff's abscessed tooth during a period beginning in June 2001 and ending on July 10, 2001. It would serve no purpose other than to delay the

progress of this lawsuit to allow plaintiff to supplement his complaint to describe the pain he suffered as having been inflicted unnecessarily and wantonly. Plaintiff is free to submit evidence of defendant Boston's deliberate indifference to his serious dental needs in connection with a motion for summary judgment or at trial if the case survives a summary judgment motion.

ORDER

IT IS ORDERED that plaintiff's motion to supplement the complaint to allege that Dr. Boston subjected him to "unnecessary and wanton infliction of pain" is DENIED as unnecessary.

Entered this 19th day of February, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge