

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

JERRY MEANS,

Plaintiff,

v.

ORDER

02-C-0695-C

DR. C. CULLEN, Psychologist,
DR. TWILA HAGAN, Head Psychologist,

Defendants.

In an order dated January 6, 2003, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and allowed him to proceed on his claim that between March 18 and May 19, 2002, defendants C. Cullen and Twila Hagan were deliberately indifferent to his serious mental health care needs in violation of his Eighth Amendment constitutional rights. I dismissed the remainder of plaintiff's complaint against additional defendants for plaintiff's failure to state a claim upon which relief may be granted.

Because plaintiff is not proceeding in forma pauperis, he is responsible for serving defendants Cullen and Hagan with his complaint. Plaintiff was advised of this responsibility in a letter from the clerk of court dated January 7, 2003. Now plaintiff has written to

request the return of copies of his complaint that he sent to the court with his original copy. In addition, plaintiff has filed a proposed amended complaint and a “motion to reconsider dismissal of defendants.”

Enclosed with this order to plaintiff are the extra copies of his complaint, as well as the waiver of service of summons forms he prepared earlier for defendants Cullen and Hagan. Also enclosed to plaintiff are signed and sealed summons forms for plaintiff’s use in serving defendants with his complaint if he is unable to obtain a waiver of service of the summons from defendants. To avoid additional delay, plaintiff is to advise the court as soon as he receives defendants’ agreement to waive service of process or, should defendants fail to agree to such waivers, when he has accomplished personal service of a summons and complaint upon them.

Plaintiff’s motions to amend his complaint and for reconsideration of that portion of the January 6, 2003 order dismissing defendants Peter Huiberegtse, Jon Litscher, Captain Blackburn, Jane Doe and C. O. Divall for plaintiff’s failure to state a claim upon which relief may be granted will be denied. Plaintiff’s few new factual allegations in the proposed amended complaint fall short of suggesting that these defendants were personally involved in denying plaintiff constitutionally adequate mental health care and nothing in plaintiff’s motion for reconsideration convinces me that I erred in denying plaintiff leave to proceed against these defendants.

ORDER

IT IS ORDERED that

1. Plaintiff's request that the court return copies of his complaint to him is GRANTED. The copies are enclosed to plaintiff with a copy of this order, together with waiver of service of summons forms and signed and sealed summons forms;

2. Plaintiff's motion for reconsideration of the January 6, 2003 order dismissing defendants Peter Huiberegtse, Jon Litscher, Captain Blackburn, Jane Doe and C. O. Divall from the case is DENIED; and

3. Plaintiff's motion to amend his complaint is DENIED because the proposed amendment does not set forth sufficient facts from which the court can infer that defendants Peter Huiberegtse, Jon Litscher, Captain Blackburn, Jane Doe and C.O. Divall participated personally in denying plaintiff his constitutional right to adequate mental health care.

Entered this 27th day of January, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge