

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

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DANIEL T. SHEA,

Plaintiff,

v.

ELAINE WHEELER and
RICHARD ARNESEN,

Defendants.

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ORDER

00-C-0072-C

In an order entered on September 7, 2000, I vacated the judgment entered on May 26, 2000 and allowed plaintiff to proceed under 28 U.S.C. § 1915A on his claim that defendants are denying him medical care by refusing to provide him prescribed medication for attention deficit disorder. In all other respects, the decision to dismiss other claims raised by plaintiff in his complaint remained unchanged. Now plaintiff has filed documents titled "Motions of Plaintiff for Reconsideration and to Renew Motion for Order to Show Cause and Temporary Restraining Order" and "Notice of Filing of Administrative Complaint Materials." Because neither of these documents shows that plaintiff has served a copy on the defendants, they cannot be considered. Indeed, plaintiff has not yet filed proof that he has served his complaint

on the defendants as he is required to do pursuant to Fed. R. Civ. P. 4.

Even if I could consider plaintiff's filings, I would deny his request for reconsideration of the dismissal of his claims other than his claim of denial of medical care. Nothing in plaintiff's motions convinces me that I erred in dismissing those claims. Moreover, the document plaintiff attaches to his "notice of filing of administrative complaint materials" does not establish that plaintiff has exhausted his administrative remedies on his claim that defendant Arnesen's refusal to treat him is in retaliation for plaintiff's litigation activities.

Finally, although plaintiff is free to refile his request for preliminary injunctive relief so long as he shows he has served a copy on the defendants or defendants' lawyer once the lawyer makes an appearance in this case, the motion must conform to this court's procedures for filing injunctive motions, a copy of which is enclosed to plaintiff with this order.

ORDER

IT IS ORDERED that plaintiff's "Motions . . . for Reconsideration and to Renew

Motion for Order to Show Cause and Temporary Restraining Order are DENIED.

Entered this 18th day of October, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge