

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

CEDRIC JOHNSON,

Plaintiff,

v.

PHIL KINGSTON,
TIM DOUMA, JACK KESTIN and
BILL PUCKETT,

Defendants.

MEMORANDUM

03-C-0143-C

On November 20, 2003, this court granted summary judgment to defendants on plaintiff's claim that defendants transferred him to the Waupun Correctional Institution in retaliation for his having filed a successful lawsuit against the medical director for the Wisconsin Bureau of Health Services and his having testified against correctional officers at the Waupun facility in a lawsuit filed by another inmate. Judgment was entered in defendants' favor on November 24, 2003. Now plaintiff has sent the court a document titled "PRC Notice of Appeal and Retaliation Act," together with several attachments. The "PRC Notice" is dated November 18, 2003 and was received by the court on November 21,

2003. It appears to have crossed in the mail with the opinion and order dismissing this case.

Although plaintiff does not explain for what purpose he has sent his recent submission to the court, I have reviewed them. I conclude that even if plaintiff had properly authenticated the documents and submitted them earlier when he was proposing facts in opposition to defendants' motion for summary judgment, his submission does not change the outcome of this case.

In the "notice," plaintiff simply expresses his intention to appeal to former defendant Bill Puckett a September 9, 2003 decision of the Program Review Committee to retain plaintiff in maximum security at the Waupun Correctional Institution. From the appeal, it appears that plaintiff is asking Puckett to overturn the Program Review Committee's decision because its statement of reasons for taking the action it did reveals that the committee is relying on information that is incorrect or false. In what appears to be a statement to this court at the bottom of page 2 of the "notice," plaintiff states that his documents are proof that defendant Puckett and several other persons not named as defendants in this action are retaliating against him for filing this lawsuit.

If plaintiff seriously believes that this lawsuit has spawned acts of retaliation on the part of former defendant Puckett and others, he will have to file a new lawsuit raising that claim. Even if this lawsuit had survived the motion for summary judgment, I would not allow plaintiff to piggyback a new retaliation claim on top of the claim he raised in this

lawsuit.

Accordingly, the documents plaintiff submitted to the court on November 21, 2003 will be placed in the court's file without further consideration.

Entered this 26th day of November, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge