

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

WILLIAM FREDERICK WILLIAMS,

Petitioner,

v.

WILLIAM J. WATSON, GRETCHEN L.
HAYWARD, JULIE SCHWAEMLE,
ROBERT KIASER, SARA PETZOLD,

Respondents.

ORDER

03-C-707-C

In an order dated January 26, 2004, I denied petitioner's request for leave to proceed in forma pauperis in this action on the ground that he failed to state a claim upon which relief may be granted. Judgment dismissing the case was entered on January 30, 2004. Now petitioner has filed a document titled "Motion to Reconsider," which I construe as a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59.

In his motion, petitioner argues that this court should not have denied him leave to proceed in forma pauperis with respect to certain of his claims. However, he does not suggest that this court made legal errors in its decision or misconstrued factual information contained in his complaint. Instead, he is using a Rule 59 motion to add factual information

concerning the actions of the respondents in an effort to cure the defects in his complaint.

The purpose of Rule 59 is to allow the district court to correct its own errors, sparing the parties and appellate courts the burden of unnecessary appellate proceedings. Charles v. Daley, 799 F.2d 343, 348 (7th Cir. 1986). Because petitioner does not dispute that this court's ruling is proper given the facts he alleged in his original complaint, he is not entitled to a finding in his favor on his Rule 59 motion. However, because petitioner is proceeding pro se, I will allow him to submit a proposed amended complaint, together with a motion to vacate the judgment in the case. To allow the court to readily identify the changes petitioner is making to the amended complaint, he should prepare his proposed amended complaint in the following format.

1) He should include all of the allegations in his amended complaint that he made in his initial complaint;

2) He should draw a line through the allegations that he no longer wishes the court to consider. (For example, a plaintiff might decide not to pursue an allegation that he was denied a hearing before being confined to temporary lock-up. If so, the plaintiff should draw a line through that portion of his initial complaint: Officer Doe did not provide me with a hearing before I was placed in tlu.); and

3) He should highlight all new allegations that he is adding to the complaint.

In other words, he should make it very clear to the court which allegations are new and

which ones are old, as well as which ones he is dropping.

ORDER

IT IS ORDERED that petitioner William Frederick Williams's motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59 is DENIED.

Entered this 23rd day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge