

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

EDWARD J. YOUNGBLOOD,

Plaintiff,

v.

JON LITSCHER,
MICHAEL CATALANO,
PRISON HEALTH SERVICES, INC.,
PAM BARTELS,
JOHN DOES 1, 34, 35, 36, 37, 39, 82, 84, A, D and E;
and GERALD A. BERGE,

Defendant.

ORDER

04-C-161-C

Cole v. Litscher, 04-C-116-C, is a lawsuit that was transferred to this district from the District Court for the Eastern District of Wisconsin. When it was transferred, there were 14 plaintiffs, all prisoners or former prisoners in the Wisconsin prison system. In an order dated March 15, 2004, I severed the claims of the several plaintiffs, including those of plaintiff Edward Youngblood. In an effort to insure that each individual pro se plaintiff was aware of the claims that had been raised on his behalf, I instructed the plaintiffs to submit, no later than April 9, 2004, individual proposed pleadings setting forth only those claims on

which they had been allowed to proceed and identifying all defendants who allegedly committed the acts about which they complained. I advised the plaintiffs that when I received their amend pleadings, I would review them to insure they were limited to the claims on which each had been granted leave to proceed. I advised the plaintiffs that if they were still unable to identify the defendants they described as Doe defendants almost two years ago when the original complaint was filed, I would dismiss the claims for which no defendant had been identified.

On April 9, 2004, plaintiff Youngblood submitted a letter to this court. In the letter, Youngblood indicates that he is naming the John Does “that I was told to name by this court.” The letter contains no allegations of fact forming the basis for the claims on which plaintiff Youngblood was granted leave to proceed. Moreover, all but two of the Does that plaintiff identifies have been dismissed from the case. When the case was transferred to this district, only Does 1, 34, 35, 36, 37, 39, 82, 84, A, D and E remained. The two Does plaintiff Youngblood identifies from among the remaining Does are Does 39 and 82. Unfortunately, plaintiff Youngblood’s identification of Doe 39 as “Mailroom” is not sufficient to allow this defendant to be served with plaintiff’s complaint. As I noted in the March 15, 2004 order, this case has been pending nearly two years. There has been more than ample time for plaintiff to have conducted discovery to learn the name of the mailroom Doe defendant. Plaintiff’s failure to make a diligent effort to learn who the Doe defendant

in the mail room was so that he or she could be served with plaintiff's complaint is a sufficient ground alone for dismissing plaintiff's claim against this defendant.

Plaintiff Youngblood states in his letter, "if there is something else that I may need to add please let me know." The March 15 order made it clear to plaintiff that he would need to submit no later than April 9, 2004, an amended pleading setting out his claims against the defendants. As noted above, this requirement was imposed to insure that he understood and consented to the claims that were raised on his behalf in the group complaint. Plaintiff's failure to submit such a pleading suggests that he has not been involved in any meaningful way with litigating the group complaint and that he is not prepared to prosecute his own claims in a severed lawsuit.

Accordingly, IT IS ORDERED that this case is DISMISSED without prejudice to plaintiff Edward J. Youngblood filing a new complaint at some future time.

Entered this 19th day of April, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge