

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

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JAMES KURALLE,

Plaintiff,

ORDER

v.

04-C-184-C

KRISTEN ANDERSON, Jail Sgt.,

Defendant.  
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In an order dated May 5, 2004, I granted plaintiff leave to proceed in forma pauperis against defendant Anderson on a claim that she deliberately endangered plaintiff's safety by bringing an inmate Blom to a church program that plaintiff was attending. I denied plaintiff's request for leave to proceed against defendants Sheriff Hillstead and Jail Captain Karen Humphries, because plaintiff did not allege their personal involvement in the alleged unconstitutional act. In addition, I denied plaintiff leave to proceed against defendant Blom, because he is not a state actor and, therefore, is not suable under 42 U.S.C. § 1983. Now plaintiff has moved for reconsideration of the May 5 order on one issue: whether it was proper to dismiss Sheriff Hillstead for lack of personal involvement.

In support of his motion, plaintiff alleges that Hillstead was responsible for the injury

he suffered because he had a duty to supervise his subordinates and he failed in that duty. In addition, plaintiff attaches a copy of an email message sent to Sheriff Hillstead on July 10, 2003, in which St. Croix County Circuit Judge Edward Vlack states, "I had a hearing this morning involving Mr. Kuralle and his attorney inquired why he was in Dunn." The message shows that Sheriff Hillstead responded,

"Doug said that you asked him why a certain inmate was being held in Dunn County. Because of jail and inmate security and safety issues the 4 individuals involved in the Hudson shooting have been split up. One male and one female kept here, one male to Dunn County, and one male to Polk County. There had been a number of verbal and physical threats, and one fight between these individuals."

The incident about which plaintiff complains in his complaint took place on May 16, 2003. Nothing in the email message between Judge Vlack and Sheriff Hillstead two months later suggests that Hillstead knew that defendant Anderson would put inmate Blom in a room with plaintiff. As I told plaintiff in the May 5 order, he cannot sue Sheriff Hillstead simply because Hillstead was defendant Anderson's supervisor. Liability under § 1983 must be based on the defendant's personal involvement in the constitutional violation. Because nothing in plaintiff's motion suggests that Sheriff Hillstead arranged, condoned or personally joined defendant Anderson in her decision to bring inmate Blom to the church program plaintiff was attending, I will not alter my decision to dismiss Sheriff Hillstead from this lawsuit.

One final matter warrants comment. Plaintiff asks that the court return to him the email exhibit he attached to his motion. He states that because he is indigent, he did not keep a copy but instead, sent the original and his only copy to the court. Plaintiff did not comply with this court's directive in its May 5 order that he keep a copy of his submissions for his own records and that he serve a copy on the defendant or the lawyer for the defendant.

Documents submitted to the court must be retained for record purposes. Therefore, I cannot return plaintiff's exhibit to him. Moreover, the court does not provide free copies of documents to litigants, even those who are proceeding in forma pauperis. If plaintiff wants the court to copy documents for him, he must pay for the copies just as he must pay for copies made at the prison. On this one occasion, I will return a copy of plaintiff's exhibit to him free of charge and will mail a copy of his motion and this order to defendant Anderson. In the future, however, I will not respond to any motion or other paper plaintiff files that does not show that a copy has been mailed to defendant Anderson or defendant's lawyer once the name of the lawyer is known. In addition, I strongly suggest that plaintiff abide by this court's directive that he retain a copy of his submissions for his own files.

#### ORDER

IT IS ORDERED that plaintiff's motion for reconsideration of that part of the May 5,

2004 order that dismissed Sheriff Hillstead as a defendant in this action is DENIED.

Entered this 18th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge