

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

MICHAEL L. WINSTON,

Plaintiff,

v.

PHIL KINGSTON, MIKE
VANDENBROOK and JOHN DOES
unlimited, sued in their official and
individual capacities,

Defendants.

ORDER

04-C-59-C

In accordance with the magistrate judge's preliminary pretrial conference order dated April 28, 2004, plaintiff has filed a proposed amended complaint in which he substitutes the names of the individuals allegedly responsible for violating his constitutional rights in place of the previously unnamed John Doe defendants. Although plaintiff made more changes to the allegations of his complaint than simply substitute a reference to a Doe defendant with a name of an individual, it appears that the additional changes he has made are superficial and not substantive. Therefore, I will accept the amended complaint as the operative pleading in this action on two conditions. Plaintiff will have to add a request for relief to the

amended complaint and he will have to sign and date it. A copy of the proposed amended complaint is enclosed to plaintiff with this order. As soon as he returns it with a request for relief, a signature and a date, the court will make copies for all of the defendants and forward them to the Wisconsin Department of Justice for acceptance of service of process for the newly added defendants and for a response by defendants Kingston and Vandebrook, against whom plaintiff was allowed to proceed earlier. Defendants Kingston and Vandebrook may delay submission of their response to the amended complaint until such time as the newly added defendants file their responsive pleading.

ORDER

IT IS ORDERED that plaintiff's amended complaint will be ACCEPTED as the operative pleading in this case on the conditions that plaintiff add a request for relief and sign and date the complaint and return it to the court no later than May 28, 2004.

Further, IT IS ORDERED that defendants John Doe are DISMISSED from the case, and defendants A. Durdin, Officer James, Officer Trimble and Officer Hesselberg are substituted in their place. In all future submissions by the parties and orders of the court, the caption shall be amended to reflect this change.

Finally, IT IS ORDERED that defendants Kingston and Vandebrook may delay submission of their response to the amended complaint until such time as the newly added

defendants file their responsive pleading.

Entered this 12th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge