

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

MICHAEL HILL,

Plaintiff,

v.

GARY THALACKER, GREGORY
GOODHUE, MICHAEL BARTKNECHT,
TERRY CARD and JOHN SHOOK,

Defendants.

ORDER

04-C-732-C

Plaintiff is proceeding in this action on his claims that defendants Gary Thalacker, Terry Card and John Shook denied him a pay grade promotion because of his race, that defendants Thalacker, Card and Shook, Gregory Goodhue and Michael Barknecht retaliated against him for filing an administrative grievance about the allegedly discriminatory promotional practices and that all defendants conspired to retaliate against him for filing a grievance. Now plaintiff has filed a document titled "Plaintiff's Motion for Injunctive Order."

I construe plaintiff's motion as a motion for an order enjoining defendants preliminarily from retaliating against plaintiff for filing this lawsuit. In the motion, plaintiff

complains that he was subjected to a cell search and confiscation of property and that when he filed an inmate complaint about the matter, two prison guards took plaintiff aside and asked him to withdraw it. In addition, plaintiff did not receive “due process” in connection with his inmate complaint.

Plaintiff filed a similar motion in late March 2005, alleging that he had been shaken down, threatened with a conduct report for being out of bounds, placed in a holding cell and forgotten for a number of hours and had his postage stamps confiscated. In an order dated March 29, 2005, I told plaintiff that his claim of retaliation could not be brought in the context of this lawsuit because it would impede the progress of this lawsuit and unnecessarily complicate it to allow plaintiff to expand his lawsuit with new claims against new actors arising out of incidents occurring after his original suit was filed. I told plaintiff that in situations in which a plaintiff alleges that state officials have retaliated against him for initiating a lawsuit, it is the policy of this court to require the claim to be presented in a lawsuit separate from the one which is alleged to have provoked the retaliation. That same admonition holds true here. If plaintiff believes that his constitutional rights were violated when his cell was searched and his property confiscated or when he did not receive the kind of response he wanted to his inmate complaint about the matter, he will have to file a new lawsuit raising these claims. I will not consider the claims in the context of this case.

ORDER

IT IS ORDERED that plaintiff's second motion for a preliminary injunction enjoining defendants from retaliating against him for filing this lawsuit is DENIED.

Entered this 21st day of April, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge