

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

DANIEL R. WILLIAMS,

Plaintiff,

v.

HELENE NELSON, Secretary, Wisconsin
Department of Health and Family Services,
STEVE WATTERS, Director, Sand Ridge
Secure Treatment Center, DAVID THORTON,
Treatment Director SRSTC, STEVE
SCHNEIDER, Security Director SRSTC and
DR. WILLIAM AEYTEY, Psychiatrist SRSTC.

Defendants.

ORDER

04-C-774-C

Plaintiff Daniel Williams is proceeding in forma pauperis in this action on two claims: (1) that defendants Helene Nelson, Steve Watters, David Thorton, Steve Schneider and Dr. William Aeytey are providing him inadequate mental health treatment in violation of the due process clause of the Fourteenth Amendment and Wis. Stat. § 51.61 and (2) that plaintiff's outgoing telephone calls, including those to lawyers, are being recorded in violation of the Fourth Amendment. In the past few days, plaintiff has submitted two letters, one complaining that he had missed receiving his medication because he was away

from his cell when medication was dispensed, and another complaining that he missed an appointment for medical services on March 28, 2005, because no one came to the recreation area to tell him that his request for medical services made earlier in the day had been approved. In an order dated March 29, 2005, I construed plaintiff's first letter as a motion for preliminary injunction and denied it for plaintiff's failure to show that the extraordinary remedy of immediate injunctive relief was appropriate under the circumstances. Plaintiff's submission of a second letter describing a new incident in his life involving the health services unit of the prison suggests that he does not understand the parameters of this lawsuit.

Plaintiff alleged in his complaint in this case that decisions regarding his treatment as an involuntarily committed sex offender are not being made by persons with appropriate training in treating mental illness and that he is not receiving appropriate treatment for an anxiety disorder, mood disorder and depression. I determined that these allegations were sufficient to state a claim that plaintiff was being denied minimally adequate treatment in violation of his Fourteenth Amendment constitutional rights. Whether plaintiff has recently missed a single dosage of medication or a doctor's appointment is not germane to the questions whether the defendants named in this case are inadequately trained to make decisions about plaintiff's mental health care or are failing to provide him medication or psychological counseling for his depression or anxiety and mood disorders. If plaintiff

believes that an official's failure to track him down in recreation to insure that he learned of an appointment that had been scheduled for him in the health services unit violated his constitutional rights, he will have to file a new and separate lawsuit raising that claim against the individual he believes is responsible for the alleged unconstitutional act. He cannot raise the claim in the context of this lawsuit.

ORDER

IT IS ORDERED that plaintiff's letter of March 28, 2005, construed as a second motion for a preliminary injunction, is DENIED because the matter raised in the motion is outside the scope of the issues on which plaintiff has been allowed to proceed in this case.

Entered this 1st day of April, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge