

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

GEORGE J. LAZARIS,

Plaintiff,

v.

FERN SPRINGS, DR. ANKARLO,
DR. LARSON, MATTHEW FRANK,
JILL KNAPP, LIZ HEARTMAN,
CPT. TEGEL and JANE DOE,

Defendants.

ORDER

04-C-844-C

In an order dated March 25, 2005, I granted plaintiff leave to proceed in forma pauperis on his claims that

a. Defendants Fern Springs and Larson violated his Eighth Amendment rights by denying him medical treatment for heart disease and surgery for his ankle;

b. Defendants Ankarlo and Matthew Frank denied him mental health care in violation of the Eighth Amendment;

c. Defendants Springs, Tegel and Doe denied him medical care, namely a leg brace, crutches and a wheelchair, in violation of the Americans with Disabilities Act; and

d. Defendant Springs prevented him from receiving meals and taking showers in violation of the Americans with Disabilities Act.

I denied plaintiff leave to proceed on his claims that defendant Springs retaliated against him in violation of the First Amendment and that defendants Jill Knapp and Liz Heartman excluded him from a parole revocation alternative program in violation of the Americans with Disabilities Act. In addition, I denied plaintiff's motion for preliminary injunction without prejudice to his renewing it with the appropriate evidentiary submissions and I directed plaintiff to serve his complaint on the six defendants remaining in the case.

Now plaintiff has filed a document titled "Motion to Reconsider/Expand Claims/Actors," three affidavits signed by James D. Lammers and a document titled "Supplemental Chronological Facts." All of these documents appear to have been produced by James Lammers for filing in Lazaris's case (Lammers admits as much in his affidavits), However, Lammers is subject to an order of the Court of Appeals for the Seventh Circuit dated November 24, 1999, under which "the clerks of all seven district courts in this circuit, and the clerk of [the court of appeals] will return to Lammers *all filings in civil cases.*" (emphasis added). Therefore, this court can give no consideration to the filings. (A copy of this decision is enclosed to the parties with a copy of this order.) Nowhere in the order does the court of appeals exempt filings Lammers might wish to submit in civil cases in which he is not a plaintiff.

Before Lammers can again file any complaint, appeal, *or other paper in any civil litigation anywhere in this circuit*, he must furnish the clerk of this court with a complete inventory of all sanctions he has incurred during his lifetime, and of all filing fees incurred since the enactment of the Prison Litigation Reform Act on April 26, 1996, and demonstrate that all have been paid in full. Any deceit in the presentation of this statement will lead the court to extend the ban indefinitely.

(Emphasis added.) In any event, all of the documents except the document titled “Supplemental Chronological Facts” relate more to Lammers’s own personal difficulties with prison officials than with plaintiff’s claims. Lammers describes his inability to freely assist plaintiff with his filings, his experience with having legal mail tampered with and his views of respondent Dr. Springs’s qualifications to be a doctor.

As for the “Supplemental Chronological Facts,” there are two additional reasons I will not consider this document. First, it is apparent that plaintiff did not read and understand the document before he signed and filed it, in violation of Fed. R. Civ. P. 11. If Lazaris had read and understood it, he would have realized that Lammers had left open a number of underlined spaces in which plaintiff Lazaris was to insert dates relevant to the incident or event set described in the particular sentences in which the blanks appeared. None of the blanks has been completed. Second, plaintiff’s “Supplemental Chronological Facts” appears to be an attempt by plaintiff to amend his complaint to add factual allegations and additional defendants. If it is, the proposed amendment is not acceptable, because it is not a document that can take the place of plaintiff’s original complaint and stand on its own.

A prisoner's amended complaint must be screened on its merits in accordance with 28 U.S.C. §1915A. Therefore, this court seeks to conserve judicial resources and minimize duplication of effort by requiring the plaintiff to duplicate in his proposed amended complaint all of the allegations he made in his initial complaint. He must draw a line through the allegations that he no longer wishes the court to consider. (For example, if plaintiff was denied leave to proceed in forma pauperis on one or more of the claims in his original complaint, he should draw a line through that portion of his initial complaint that alleged facts pertaining to those claims.) In addition, plaintiff must highlight all new allegations he is adding to the complaint. This way, it will be clear to the court which allegations are new and which ones plaintiff is dropping. Plaintiff is not to add new allegations in a proposed amended complaint that have nothing to do with the allegations made in his previous complaint. If he wishes to raise new issues based on facts not alleged in his original complaint, he will have to raise them in an entirely new lawsuit.

I will take this occasion to caution plaintiff Lazaris against accepting legal assistance from Mr. Lammers. According to the order of the restriction order entered by the court of appeals, Lammers has filed more than a dozen legally frivolous lawsuits and 40 appeals and petitions in the federal courts in this circuit and he has ignored his obligation to pay sanctions for his own violations of Fed. R. Civ. P. 11. If plaintiff needs help with his lawsuit, he would be far better served by seeking the assistance of the prison law librarian.

ORDER

IT IS ORDERED that plaintiff's "Motion to Reconsider/Expand Claims/Actors" and "Supplemental Chronological Facts" will be placed in the court's file of this case, but no consideration will be given to the documents.

Moreover, IT IS ORDERED that the clerk of court return to Lammers the affidavits he has filed in this case in accordance with the order of the Court of Appeals for the Seventh Circuit dated November 24, 1999.

Entered this 19th day of April, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge