

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

STEVEN D. STEWART,

Plaintiff,

v.

C.O. BARR, C.O. MCDANIELS, C.O. STOWELL,
BURTON COX, JR., CINDY SAWINSKI
and C.O. GOVIER (Male),

Defendants.

ORDER

05-C-293-C

Plaintiff Steven Stewart is proceeding in this case on his claims that 1) defendants Govier, Stowell and McDaniels violated his First Amendment free exercise and free expression rights when they refused to allow plaintiff to be transported outside the prison unless he removed his braids and combed out his dreadlocks; 2) defendants Cox and Sawinski violated plaintiff's Eighth Amendment rights when they denied him surgical treatment of his rectal mucosa prolapse condition; and 3) defendant Barr violated plaintiff's Eighth Amendment rights by refusing to allow plaintiff to take prescribed medication for three days.

Now before the court is plaintiff's motion for leave to file an amended complaint. In

support of his motion, plaintiff says that he wants to add allegations that he lost his ability to urinate sometime in 2003 and now uses self-catheterization eight times a day, that he cannot sit up for long periods of time unless he sits on a medical cushion and that he asked defendant Cox for permission to see a “specialist-urologist.” Plaintiff also states that defendant Sawinski is the Health Service Unit Manager and not the medical director.

It is not necessary for plaintiff to amend his complaint to add these few additional factual allegations. Pursuant to Fed. R. Civ. P. 8(a)(2), the complaint is to contain only "a short and plain statement of the claim showing that the pleader is entitled to relief." It does not require a plaintiff to plead facts supporting each element of a cause of action. Sanjuan v. American Bd. of Psychiatry and Neurology, Inc., 40 F.3d 247, 251 (7th Cir. 1994). Plaintiff's additional claims are not necessary to make out a claim against defendants Cox and Sawinski. I already have granted him leave to proceed against them on an Eighth Amendment claim of deliberate indifference to his serious medical needs. At a later stage of the proceedings, plaintiff will be free to submit evidence relating to the seriousness of his medical needs and defendants' responses to those needs.

ORDER

IT IS ORDERED that plaintiff's motion for leave to file an amended complaint is DENIED as unnecessary.

Entered this 19th day of October, 2005.

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