

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

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JOSE BORRERO,

Plaintiff,

v.

ROBERT BREVARD, BARBARA  
RIPANI and ANN SEMROW,

Defendants.  
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ORDER

05-C-418-C

Plaintiff is proceeding in this action on his claim that defendants violated his Eighth Amendment rights by refusing to respond to his serious dental health care needs. Presumably, the parties are engaged in discovery and are preparing to file or defend dispositive motions by the March 3, 2006 deadline established in the magistrate judge's preliminary pretrial conference order. Now plaintiff has submitted a short letter advising the court that he fears he will be the subject of retaliation for having filed this lawsuit and asking that I call the warden of the Columbia Correctional Institution and ask him to transfer plaintiff to another institution. Unfortunately, this court has no authority to ask wardens of state institutions to transfer inmates from one institution to another. The decision when

and where state prisoners are to be transferred in the responsibility of the state.

Plaintiff does not suggest that he has been subject to any retaliatory acts. However, even if he believed one or more prison officials were retaliating against him because he filed this lawsuit, I would not issue any kind of order or take any action on such a claim in the context of this lawsuit. Plaintiff likely understands that it would be impossible for courts to manage its cases if it were to allow litigants to expand the claims in their lawsuits to include new defendants and new claims of wrongdoing each time the plaintiff perceived he had been subject to a retaliatory act. If plaintiff believes that one or more prison officials have engaged in retaliatory acts because he filed this lawsuit, he will have to file a new lawsuit raising such claims before they may be considered by this court.

#### ORDER

IT IS ORDERED that plaintiff's request that this court arrange his transfer to another institution is DENIED.

Entered this 6th day of January, 2006.

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