

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

ANTHONY CORDOVA,

Plaintiff,

v.

RICHARD SCHNEITER, Warden,
Wis. Secure Program Facility,

Defendant.

ORDER

05-C-487-C

In an order entered in this action on November 16, 2005, Magistrate Judge Stephen Crocker gave plaintiff until December 16, 2005, in which to file an amended complaint identifying the John Doe defendant relating to his claim that an unnamed prison official violated the Eighth Amendment when he confiscated plaintiff's dental bite plate and refused to issue a new one, causing plaintiff to suffer severe migraine headaches and attempt suicide. (Plaintiff was allowed to proceed against defendant Schneiter for the sole purpose of conducting discovery to learn the name of the individual personally involved in this alleged unconstitutional act.)

Now plaintiff has filed a proposed amended complaint that appears to comply with

the magistrate judge's directive that he submit an unaltered copy of his original complaint, changing the caption only to identify the pleading as an amended complaint and insert the name of the former Doe defendant. Plaintiff has identified Doctor Thomas Boston, a dentist at the Wisconsin Secure Program Facility as the Doe defendant. Although plaintiff has not inserted Dr. Boston's name in the body of the complaint, it is clear enough that Boston is the person plaintiff wishes to sue for refusing to provide him with a dental bite plate.

ORDER

IT IS ORDERED that plaintiff's motion to amend his complaint to substitute Doctor Thomas Boston for the Doe defendant who allegedly denied him his dental bite plate is GRANTED.

Further, IT IS ORDERED that defendant Richard Schneider is DISMISSED from this action, because his responsibility for providing plaintiff with Thomas Boston's name is complete.

I accept plaintiff's proposed amended complaint as the operative pleading in this case. In future orders and submissions, the caption will be amended to omit Richard Schneider and show Thomas Boston as the defendant.

The parties are reminded that this court's screening order entered on September 12, 2005 governs plaintiff's amended complaint.

Pursuant to an informal service agreement between the Attorney General and this court, a copy of plaintiff's amended complaint, this order and the September 12 screening order are being sent today to the Attorney General for service on defendant Boston.

Entered this 20th day of December, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge