

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

CHARLES NORWOOD,

Petitioner,

v.

ORDER

07-C-634-C

CAPTAIN RADTKE, Correctional Officer
at Columbia Correctional Inst. (C.C.I.);
JANEL NICKEL, Security Director at C.C.I.;
GREG GRAMS, Warden at C.C.I.;
DR. VANDENBROOK, Psychological
Services at C.C.I.; ANDREA NELSON Psychological
Services at C.C.I.; AMY MILLARD, Complaint
Examiner at C.C.I.; MARY LEISER, Complaint
Examiner at C.C.I.; MARC CLEMENTS,
Complaint Reviewer at C.C.I.; TOM GOZINSKE,
Complaint Examiner at Dept. Of Corr.; AMY SMITH,
Office of Secretary at D.O.C.; RICK RAEMISCH,
Secretary at D.O.C.; CAPTAIN
WINSLOW-STANLEY, Correctional
Officer at C.C.I.; FIRST SHIFT SGT,
Correctional Officer at C.C.I., WELCOME
ROSE, C.C.E. at Madison Office, and
BURT TAMMINGA, I.C.E. at C.C.I.,

Respondents.

This is a proposed civil action for monetary and injunctive relief, brought pursuant
to 42 U.S.C. § 1983. Petitioner Charles Norwood, a prisoner at the Columbia Correctional

Institution in Portage, Wisconsin, seeks leave to proceed without prepayment of fees and costs pursuant to 28 U.S.C. § 1915. He has struck out under 28 U.S.C. § 1915(g), which means that he cannot obtain indigent status under § 1915 in any future suit he files during the period of his incarceration unless his complaint alleges facts from which an inference may be drawn that he is in imminent danger of serious physical injury. In this case, petitioner argues that the court should permit him to proceed with his claims under the in forma pauperis statute, because his complaint qualifies for the exception to the three strikes bar. I disagree.

In his complaint, petitioner alleges that respondents are being deliberately indifferent to his health or safety because they are refusing to grant him “pair with care” cell assignment status and because he is about to be assigned to a higher classification level that will force him to spend time in the day room with other inmates who are likely to harm him. These are the precise same claims on which petitioner has been allowed to proceed in another action filed in this court, Norwood v. Radtke, 07-C-624-C. The only noticeable difference between this suit and case no. 07-C-624-C is that in this case, petitioner names as respondents two additional officers he contends are denying or rejecting the flurry of inmate complaints he is filing about his cell and housing assignments. Modifications of this nature are not properly raised in a new complaint. If petitioner believes he cannot obtain the relief he seeks in case no. 07-C-624-C from the respondents he has already named, he may request

leave to amend the complaint to add responsible officials. I express no opinion whether I would grant the request. He will not be permitted to utilize the exception to § 1915(g), however, to file a second lawsuit alleging the same underlying facts and the same imminent danger that form the basis for his lawsuit in case no. 07-C-624-C.

ORDER

IT IS ORDERED that petitioner Charles Norwood's request for permission to proceed in forma pauperis is DENIED and this case is DISMISSED because it contains claims duplicative of those in case number 07-C-624-C.

Further, IT IS ORDERED, that petitioner's request for appointment of counsel is DENIED as moot.

Entered this 16th day of November, 2007.

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