

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

LARRY J DUANE SPENCER,

Plaintiff,

v.

ORDER

10-cv-288-bbc

JOSEPH L. SOMMERS, ANN SAYLES,
STUART A. SCHWARTZ, DAVID KNOLL,
CHRISTOPHER DUREN, PAUL NESSON JR,
TIMOTHY DAVID EDWARDS, JENNIFER HARPER,
GREGORY DUTCH, STAN KAUFMAN,
JAY LAUFENBERG, MARY JONES,
FRANK EARL RADCLIFF, ROY U. SCHENK,
CINDY S. GEOFFREY, MELISSA HARNESS,
JOHN RADOVAN, ROSA I AGUILU,
BRIAN BLANCHARD, GARY H. HAMBLIN,
JOHN PIER ROEMER, KAREN KRUGGER,
MARIANNE SIMPSON, ANA M. BOATWRIGHT,
TAMMY J. SIME, MS BURNS, MS RICHARDSON,
RANDALL HEPP, NANCEY GANTHER,
CAPT. KANNANBERG, CAPT GUARCEAU,
MR JAEGER, MS TEGELS, C.O. KRATKY,
SANDY K. MAGUIR-PETKE, C.O. RYBUCK, MS RICK,
TERRY L. SHUK, C.O. CORBIN, DAWON JONES,
JAMES ISAACSON, ROY LA BARTON GAY,
D.O. WATSON, TODD E. MEURER,
PEGGY L. NICHOLS, STACEY A. BIRCH,
BRENDA L. PETERSON, SHEILA D. PATTEN,
DOCTOR HANNULA, MR SWEENEY, GOVERNOR
DOYLE, Sec. RICK RAEMISCH, Atty. General J.B. VAN
HOLLEN, JEFFREY PUGH and JOHN DOE,

Defendants.

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In an order entered on April 12, 2011, I screened plaintiff's complaint for the third time after dismissing two previous complaints for failure to comply with the notice requirement of Fed. R. Civ. P. 8. In a 28-page opinion, I considered carefully whether plaintiff had managed to pay closer attention to the instructions I had given him on complying with Fed. R. Civ. P. 8. I concluded that he had failed to provide sufficient information to support any of his many claims, and because he had been given numerous opportunities to explain how defendants allegedly violated his rights, I dismissed his complaint with prejudice for failure to state a claim upon which relief may be granted and judgment was entered in defendants' favor on April 13, 2011. Now before the court is plaintiff's motion for relief from the judgment filed under Fed. R. Civ. P. 60(b). That motion will be denied.

Plaintiff contends that he is entitled to relief under Fed. R. Civ. P. 60 because he believes he has a life expectancy of 6 months and is mentally incompetent because of medication he is taking. As to the first point, plaintiff's circumstances are truly unfortunate. But even circumstances as stressful, frustrating and even frightening as those facing plaintiff do not allow this court to give him a pass on his case. This court is required to screen *every* prisoner lawsuit to determine whether it states a claim upon which relief may be granted. Even claims alleging that the prisoner is facing "imminent danger" must be screened. Plaintiff's case was screened time and time again, and each time the allegations were found

to fall far short of satisfying Rule 8.

Plaintiff's contention that he is not mentally competent has two problems. First, plaintiff is suggesting that he was not capable of complying with the court's earlier Rule 8 orders, but he never brought to the court's attention any of his alleged difficulties. It was only after his complaint was dismissed with prejudice that plaintiff thought to mention his mental competence.

Second, even now, plaintiff does not try to explain how he struggled to understand the court's orders or prepare a compliant complaint. Indeed, any argument that plaintiff does not know how to file the proper paperwork or write about his problems falls on deaf ears. Plaintiff has submitted no less than 40 filings in this case, many quite lengthy. His original complaint was at least 91 pages long. Plaintiff's filings did not demonstrate a lack of competency on his part, but rather a lack of focus. Plaintiff had no problem describing for pages on end the wrongs he believes he suffered, but he could not provide any details that would tie defendants to the alleged wrongs he suffered. When he was told what to do, he continued to remain vague where he needed more specifics. Because plaintiff fails to identify a reason for relief that is supported under Rule 60(b), I will deny his request for relief.

ORDER

IT IS ORDERED that plaintiff Larry J Duane Spencer's motion for relief from

judgment, dkt. #61, is DENIED.

Entered this 7th day of June, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge