

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

SHAUN MATZ,

Plaintiff,

v.

DR. VANDENBROOK, DR. KURT SCHWEBKE,
DR. NELSON, CPT. SEAN SALTER,
LT. LANE, LINDA FAIT, C.O. TRAVIS
BIDDLEMAN, C.O. VASOS, C.O B. NEUMAIER
and KURT SCHWEBKE,

Defendants.

ORDER

10-cv-668-slc

Plaintiff Shaun Matz is proceeding on the following claims under the Eighth Amendment:

(1) defendant Kurt Schwebke is keeping him in conditions that exacerbate his mental illness and refusing to provide mental health treatment;

(2) in August 2007, defendants Michael Vandebrook, Travis Biddleman and Vasos knew there was a substantial risk that plaintiff would seriously harm himself, but they failed to take reasonable steps to help him;

(3) on July 2, 2009, defendant Neumaier knew there was a substantial risk that

plaintiff would seriously harm himself, but Neumaier failed to take reasonable steps to help him;

(4) on July 3, 2009, defendants Nelson and Schwebke knew there was a substantial risk that plaintiff would seriously harm himself, but they failed to take reasonable steps to help him;

(5) defendants Linda Fait and Lt. Lane recommended plaintiff for a transfer to Green Bay Correctional Institution, even though they knew that doing so would subject plaintiff to a substantial risk of serious self harm; and

(6) defendants Lane and Salter placed plaintiff in segregation for 240 days for harming himself, even though they knew that plaintiff was mentally ill and that placing him in segregation would exacerbate his mental illness.

Plaintiff has filed a second amended complaint in which he abandons many of these claims. Instead, he focuses on claims that defendants are violating his rights under the Eighth Amendment by failing to provide him adequate mental health treatment and housing him in conditions that exacerbate his mental illness. He does not seek to dismiss any of the defendants, but he asks to add six new ones: Byron Bartow, Brian Benthion, Michael Meisner, Janet Nickel, Tim Duma and D. Morgan.

Because plaintiff filed his second amended complaint within the deadline set by the magistrate judge, the complaint is timely. Further, I already have concluded that these

allegations state a claim upon which relief may be granted.

The problem with the second amended complaint is the same as the problem with the first amended complaint: plaintiff fails to identify how each of the defendants was personally involved in determining plaintiff's housing conditions or otherwise determining his mental health treatment. Under Fed. R. Civ. P. 8, each defendant is entitled to notice of plaintiff's claims, which means that plaintiff must describe in his complaint what each defendant did to violate his rights. Accordingly, I will give plaintiff an opportunity to amend his complaint to correct this deficiency.

ORDER

IT IS ORDERED that plaintiff Shaun Matz's motion for leave to amend his complaint, dkt. #45, is DENIED WITHOUT PREJUDICE. Plaintiff may have until April 12, 2012, to file an amended complaint that includes allegations regarding the personal involvement of each defendant for each claim.

Entered this 27th day of March, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge