

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

LORENZO SOLVANO BALLI,

Plaintiff,

v.

ORDER

10-cv-67-bbc

RICHARD RAEMISCH, GREGORY GRAMS,
JANEL NICKEL, DYLAN RADTKE,
MARTHA BREEN, ANDREA NELSON,
RYAN TOBIASZ and GARY MAIER,
in their individual and official capacities,

Defendants.

Plaintiff Lorenzo Balli has responded to this court's September 13, 2010 order in which he was directed to file an amended complaint with additional facts. It was clear from plaintiff's complaint that he wishes to bring claims against defendants for failing to treat his serious mental illness, housing him in conditions that exacerbate his mental illness, failing to prevent him from harming himself and retaliating against him for complaining about his conditions, but it was not clear how each of the 12 defendants named in the complaint was personally involved in these alleged violations.

Plaintiff's second amended complaint is limited to the eight defendants listed in the caption above. I am persuaded that plaintiff has alleged sufficient facts to state a claim that

each defendant was aware that plaintiff was serious mentally ill, that his conditions of confinement were exacerbating his mental illness and that he was at a substantial risk of seriously harming himself, but that each failed to take reasonable measures prevent the harm from occurring. In addition, plaintiff alleges that defendant Tobiasz retaliated against him for complaining about his conditions by placing him in observation without a smock or a mat to sleep on. I will grant plaintiff leave to proceed on these claims.

ORDER

IT IS ORDERED that

1. Plaintiff Lorenzo Balli is GRANTED leave to proceed on his claims that:

(a) defendants Richard Raemisch, Gregory Grams, Janel Nickel, Dylon Ratdke, Martha Breen, Andrea Nelson, Ryan Tobiasz and Gary Maier failed to treat plaintiff's serious mental illness, exacerbated his mental illness by housing him in harsh conditions of confinement and failed to prevent him from engaging in acts of self harm, in violation of the Eighth Amendment;

(b) defendant Tobiasz retaliated against plaintiff for complaining about his conditions of confinement by placing him in observation without a smock or mat, in violation of the First Amendment.

2. Plaintiff's complaint is DISMISSED as to all other defendants.

3. Pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, copies of plaintiff's second amended complaint and this order are being sent today to the Attorney General for service on the defendants. Under the agreement, the Department of Justice will have 40 days from the date of the Notice of Electronic Filing of this order to answer or otherwise plead to plaintiff's complaint if it accepts service for defendants.

Entered this 13th day of October, 2010.

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