

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

-----  
JAMES A. JONES,

Plaintiff,

v.

JO ANN SKALSKI, SCOTT GRADY,  
KESHA A. MARSON, ULLA HINTZ,  
LOIS REMMERS, BRAD KOSBOB,  
KEN LAUER, SANDRA JOHNSON,  
JIM MULVEY and JOHN DOE,

Defendants.  
-----

ORDER

10-cv-766-bbc

Plaintiff James Jones has filed a document he calls "Motion to Add Additional Parties." I am denying the motion, but I will give plaintiff an opportunity to file an amended complaint that includes allegations against the new parties.

In an order dated January 26, 2011, dkt. #11, I allowed plaintiff to proceed on a claim that several defendants kept plaintiff incarcerated beyond the date allowed under state law, in violation of the Eighth Amendment. One of the defendants was the prison warden, but plaintiff did not know his name, so I allowed plaintiff to proceed against him as a John Doe. On March 22, 2011, plaintiff filed an amended complaint in which he corrected the

names of some of the defendants. Dkt. #27. In an order dated April 29, 2011, the magistrate judge gave plaintiff a July 1, 2011 deadline to identify the Doe defendant. Dkt. #31 at 4-5. On June 27, 2011, plaintiff filed a second amended complaint in which he identified Randy Berz as the Doe defendant. Dkt. #35. On July 5, 2011, plaintiff filed a third amended complaint in which he substituted Mickey McCash for Randy Berz. Dkt. #40. The same day he filed his motion to add Randy Berz and Dave Andraska as defendants. Dkt. #41. On July 8, McCash filed an answer to the third amended complaint.

Plaintiff's filings make it unclear whom he wants to sue and why. For now, I will accept plaintiff's third amended complaint as the operative pleading. If he wishes to sue Randy Berz and David Andraska, he must file a fourth proposed amended complaint and include allegations against Berz and Andraska showing that they were personally involved in the alleged constitutional violation.

To avoid any confusion about exactly what plaintiff wishes to add to his proposed fourth amended complaint, he will have to submit the proposed amended complaint in the following format: he should begin with a duplicate copy of his third amended complaint. He should write in any allegations he wishes to add and highlight them or circle them. If plaintiff does this, it will allow the court to screen plaintiff's changes quickly and rule more promptly on his motion.

ORDER

IT IS ORDERED that

1. Plaintiff James Jones's third amended complaint, dkt. #40, is ACCEPTED as the operative pleading and Mickey McCash is SUBSTITUTED for John Doe.

2. Plaintiff's "motion to add additional parties," dkt. #41, is DENIED. If plaintiff wishes to add any more parties, he must file a proposed amended complaint, following the instructions in this order.

Entered this 28th day of July, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge