

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

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GABLE D. HALL,

Plaintiff,

ORDER

v.

11-cv-93-slc

DEPT. OF CORR.,

Defendant.

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Plaintiff Gable Hall, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint and has paid an initial partial payment of the filing fee in the amount of \$25.26. Before determining whether Halls's proposed action is frivolous or malicious, fails to state a claim on which relief may be granted or seeks money damages from a defendant who is immune from such relief under 28 U.S.C. § 1915(e)(2), the court needs more information from plaintiff.

Plaintiff has filed a document entitled "Motion for federal mail tampering conspiracy to obstruct justice," which the court construes as an attempt to file a complaint in this court. To the extent that plaintiff wants to initiate criminal charges against someone, he cannot do so. The decision to initiate a criminal prosecution is within the exclusive province of the prosecutor. *See Bordenkircher v. Hayes*, 434 U.S. 357, 364 (1978).

However, it is possible that plaintiff wants to pursue a claim that some individual correctional officers interfered with his mail. If so, he needs to submit more information. Plaintiff will be afforded an opportunity to submit an amended complaint. Attached to this opinion is a blank complaint form for plaintiff to fill out. First, plaintiff should list in the caption and in the "list of defendants" section the individuals who took the alleged actions. He is advised that the Department of Corrections is not an individual who can be sued.

Second, he should describe in the body of the complaint who took the action, what action they took, when they took it, and what was wrong with the action they took. Finally, in the “request for relief” section of the complaint form, plaintiff should tell this court what he wants the court to do about all this..

Plaintiff should submit his amended complaint on the form provided not later than March 15, 2011. Failure to so may result in the dismissal of this case for failure to prosecute it.

#### ORDER

IT IS ORDERED that plaintiff Gable Hall may submit an amended complaint as described herein not later than March 15, 2011. Failure to submit an amended complaint may result in dismissal of his case for his failure to prosecute it.

Entered this 22nd day of February, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge