

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

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SYLVESTER JACKSON,

Plaintiff,

v.

RANDALL HEPP, GARY H. HAMBLIN,  
TAMMY MAASSEN, KENNETH ADLER,  
DEBRA TIDQUIST, CARLA GRIGGS,  
GEORGIA KOSTOHRYZ, GREG MEIER,  
CHERYL MARSOLEK, BETTY PETTERSON,  
SGT. CLARK and JODI DOUGHERTY,

Defendants.  
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ORDER

11-cv-774-bbc

Pro se plaintiff Sylvester Jackson is proceeding on claims that various prison officials violated his rights under the Eighth Amendment by failing to treat his chronic back pain and complications that arose after he had surgery on his toes. In an order dated September 19, 2012, I denied his motion for a preliminary injunction because he did not submit any evidence or even set out any allegations showing that any of the defendants did not use appropriate medical judgment in deciding how to address his complaints. Dkt. #52.

Plaintiff has filed a motion for reconsideration, but he does not point out any errors in the decision. Instead, he has filed a new declaration and a stack of new documents. Dkt. ##53 and 56. However, "[i]t is not the purpose of allowing motions for reconsideration to enable a party to complete presenting his case after the court has ruled against him."

Frietsch v. Refco, Inc., 56 F.3d 825, 828 (7th Cir. 1995). See also United States v. 47 West 644 Route 38, Maple Park, Illinois, 190 F.3d 781, 783 (7th Cir. 1999) ("A party may not introduce evidence or make arguments in a Rule 59 motion that could or should have been presented to the court prior to judgment."). Even if I could consider the new filings, they seem to consist mostly of grievances plaintiff filed; his declaration is nothing but vague allegations that he is unhappy with his care. He still has failed to make any showing that defendants' actions are "so blatantly inappropriate as to evidence intentional mistreatment likely to seriously aggravate" his condition. Snipes v. DeTella, 95 F.3d 586, 592 (7th Cir. 1996) (internal quotations omitted).

At this point, plaintiff should focus on gathering evidence in anticipation of a motion for summary judgment that defendants are likely to file sometime on or before the deadline of February 4, 2013. Rather, than simply repeating his complaints, plaintiffs should think carefully about how he will prove each element of his claims: (1) the existence of a serious medical need; (2) each defendant's awareness of that need; and (3) each defendant's conscious refusal to take reasonable measures to treat the need. Hayes v. Snyder, 546 F.3d 516, 522 (7th Cir. 2008). More generally, when plaintiff prepares a declaration or proposed findings of fact, he must remember that it is his burden to prove all the facts relevant to his claim. He may not rely on conclusory allegations or simply assume that the court is already aware of certain facts. If he fails to provide the factual context necessary to find in his favor on each element, his claims may be dismissed.

ORDER

IT IS ORDERED that plaintiff Sylvester Jackson's motion for reconsideration, dkt. #55, is DENIED.

Entered this 8th day of November, 2012.

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