

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

DWAYNE ALMOND,

Plaintiff,

MEMORANDUM

v.

12-cv-302-bbc

WARDEN WILLIAM POLLARD,
DR. SUMINICHT, M.D.,
SUPERVISOR R.N. SCHRUBBE,
R.N. AMY SCHRAUFNGED,
R.N. S. JACKSON,
ANGLIA KROLL (ICE -PA),
SUPERVISOR ICE ("JOHN DOE"),
DR. DAVID BURNETT, B.H.S. MEDICAL. D.,
DR. SCOTT HOFTIEZER, B.H.S. A.M.D.,
MR. JIM GREER, B.H.S. DIRECTOR and
MS. MARY MUSE, B.H.S. DIRECTOR OF NURSING,

Defendants.

Plaintiff Dwayne Almond, a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin, has submitted a motion for emergency preliminary injunctive relief along with proposed findings of fact and several exhibits. In his motion, plaintiff seeks an order directing medical treatment for his lower abdominal infection and internal bleeding.

Before this court can entertain a motion for preliminary injunctive relief from

plaintiff, he will have to file a formal complaint pursuant to 42 U.S.C. § 1983, setting out the facts underlying his claim that he is entitled to relief in this court and identifying in the caption of the complaint all of the persons he intends to sue. The complaint should be nothing more than a simple story about what is happening to plaintiff to make him believe his rights are being violated, who is violating his rights and what he wants the court to do about it.

Moreover, because he is a prisoner, plaintiff is subject to the 1996 Prison Litigation Reform Act. Plaintiff has “struck out” under the PLRA, which means that he cannot obtain indigent status under 28 U.S.C. § 1915 in any suit he files during the period of his incarceration unless he alleges facts in his complaint from which an inference may be drawn that he is in imminent danger of serious physical injury. Therefore, if plaintiff chooses to proceed with this action, in addition to submitting a complaint, he should also submit either the \$350 filing fee or a request for leave to proceed in forma pauperis. If plaintiff requests to proceed in forma pauperis, he should submit a trust account statement for the six-month period preceding the filing of his complaint. In the meantime, the court will take no action on plaintiff’s motion for injunctive relief. To assist plaintiff in filing a proper complaint, I

am sending him this court's forms for filing a civil lawsuit.

Entered this 4th day of May, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge