

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

DARRELL L. BROADNAX,

Plaintiff,

v.

OFFICER TOMMY WILSON,
OFFICER STEVEN BOEHM,
OFFICER/SQUAD 2151 VAN ERDEN,
EDWARD WALL, AND AGENT REIF,

Defendants.

ORDER

13-cv-533-bbc

On October 8, 2013, I granted plaintiff Darrell Broadnax leave to proceed in forma pauperis on false arrest, retaliation and excessive force claims against defendants Tommy Wilson and two John Doe Department of Corrections officers that assisted defendant Wilson. Dkt. #5. I stayed service of the complaint on defendants to give plaintiff an opportunity to amend his complaint to include information about his compliance with the state law notice of claim provision as well as further clarification about which of the named defendants were responsible for each claim plaintiff wished to pursue. In the October 8 order, plaintiff was told that if he failed to file an amended complaint, he would be denied leave to proceed on his state law claims and those claims would be dismissed. To date, plaintiff has not filed an amended complaint or otherwise responded to the October 8 order. Accordingly, I will dismiss the state law claims. Plaintiff will proceed only on his Fourth

Amendment claims of wrongful arrest and excessive force and his First Amendment claim of retaliation against defendant Wilson and two John Doe Department of Corrections officers.”

Although plaintiff does not know the names of the John Doe officers, “when the substance of a pro se civil rights complaint indicates the existence of claims against individual officials not named in the caption of the complaint, the district court must provide the plaintiff with an opportunity to amend the complaint.” Donald v. Cook County Sheriff's Department, 95 F.3d 548, 555 (7th Cir. 1996). At the preliminary pretrial conference that will be held later in this case, Magistrate Judge Stephen Crocker will discuss with the parties the most efficient way to obtain identification of the John Doe defendants and will set a deadline for plaintiff is to amend his complaint to include the names of these officers.

ORDER

IT IS ORDERED that

1. Plaintiff Darrell Broadnax is GRANTED leave to proceed on the following claims:
 - a. Defendants Tommy Wilson and two John Doe Department of Corrections officers wrongfully arrested him.
 - b. Defendants Wilson and the two John Doe officers retaliated against him.
 - c. Defendant Wilson used excessive force against plaintiff and the two John

Doe officers failed to intervene to stop him.

2. Plaintiff is DENIED leave to proceed on all other claims and defendants Steven Boehm, Edward Wall, Agent Reif and Officer/Squad 2151 Van Erden are DISMISSED from the case.

3. For the remainder of the lawsuit, plaintiff must send defendants a copy of every document that he files with the court. Once plaintiff has learned what lawyer will be representing the defendants, he should serve the lawyer directly rather than defendants. The court will disregard any documents submitted by plaintiff unless he shows on the court's copy that he has sent a copy to defendants or to defendants' attorney.

4. Plaintiff should keep a copy of all documents for his own files. If he does not have access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

5. A copy of plaintiff's complaint, this order, summons for defendant Wilson and a United States Marshal service form will be forwarded to the United States Marshal for service on defendant Wilson.

Entered this 2d day of December, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge