

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

MOEKETSI MOLAOLI,

Plaintiff,

v.

PHYLISS REED, ALICIA BORTH and
DERIMER BRENT,

Defendants.

ORDER

13-cv-540-bbc

Plaintiff Moeketsi Molaoli, proceeding in forma pauperis, filed a proposed complaint on July 31, 2013. Dkt. #1. His complaint was screened under 28 U.S.C. § 1915, and plaintiff was told that it violated Rule 8 of the Federal Rules of Civil Procedure because it failed to state a claim upon which relief may be granted. Dkt. #4. I also warned plaintiff that his complaint appeared to have Rule 20 problems and he would likely need to bring separate claims against defendant Phyllis Reed and defendants Alicia Borth and Derimer Brent. Id. I gave plaintiff until September 30, 2013 to amend his complaint. Id. After being granted an extension, plaintiff filed two amended complaints on October 25, 2013. Dkt. ##8, 9. In one complaint he asserts constitutional and tort claims against Phyllis Reed for her role in plaintiff's arrest and detention for violating his community supervision rules and because Reed allegedly added a community supervision rule that plaintiff not contact his children. Dkt. #8. In his other complaint, he asserts constitutional claims against Alicia

Borth and Brent Deremer for escorting and watching plaintiff at the Rock County Courthouse. Dkt. #9. (In his amended complaints, plaintiff changed defendant Deremer's name and the spelling of defendant Reed's name. I will alter the caption based on plaintiff's response to this order.)

Because these complaints contain separate claims against different defendants with no common nucleus of facts, they must be brought under two different lawsuits. Fed. R. Civ. P. 20. If plaintiff chooses to pursue both complaints, he will face separate filing fees for each lawsuit. He has already been assessed fees for one lawsuit, so he must decide whether he wants to pursue both complaints or just one and if only one, which one. He should consider carefully the merits and relative importance of his potential lawsuits when deciding how he wants to proceed. Plaintiff must respond to this order by November 22, 2013 and tell the court which claim or claims he would like to pursue.

ORDER

IT IS ORDERED that plaintiff Moeketsi Molaoli may have until November 22, 2013 to file a response to this order, stating whether he wishes to proceed with both of his complaints or whether he wishes to proceed with only one and if so, which one. Plaintiff should know that he will be responsible for paying filing fees for two suits if he chooses to proceed with both of his proposed complaints.

If plaintiff fails to file a timely response to this order, the clerk of court is directed to

close this case.

Entered this 15th day of November, 2013.

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