

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

MUSTAFA-EL K.A. AJALA,
formerly known as Dennis E. Jones-El,

Plaintiff,

v.

KELLI WEST, AMY SMITH,
RICK RAEMISH, TODD OVERBO,
CATHY JESS, PETER HUIBREGTSE,
GARY HAMBLIN, TIM HAINES,
CHARLES COLE, STEVE CASPERSON,
GARY BOUGHTON and ANTHONY BROADBENT,

Defendants.

ORDER

13-cv-544-bbc

In an order dated October 9, 2013, dkt. #3, I allowed plaintiff Mustafa-El K.A. Ajala to proceed on a number of claims related to receiving a halal diet in prison. Now he has filed what he calls a “motion for leave to supplement his pleadings,” along with a proposed supplement. Dkt. #9-1.

I am denying plaintiff’s motion because the type of supplemental pleading plaintiff wishes to file is not permitted by the Federal Rules of Civil Procedure. Under Fed. R. Civ. P. 15(d), a party may file a supplemental pleading “setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” However, plaintiff does not suggest that he is raising new claims relating to new incidents; rather, he

says he wishes to “clarify” certain aspects of the claims in his complaint.

As I have informed other pro se plaintiffs, “parties are not allowed to amend a pleading by simply adding to or subtracting from the original pleading in subsequent filings scattered about the docket. If [plaintiffs] wish to amend their complaint, they must file a proposed amended complaint that will completely replace the original complaint. . . . [T]here can be only one operative complaint in the case.” Boriboune v. Berge, No. 04-C-15-C, 2005 WL 256525, *1 (W.D. Wis. Jan. 31, 2005). The reason for such a rule is plain enough. If the “operative pleading” consists of multiple documents, the scope of the plaintiff’s claims becomes unclear and it becomes difficult if not impossible for the defendants to file an answer. To avoid ambiguity, the complaint must be self-contained.

Further, to avoid any confusion about exactly what changes plaintiff wishes to make, he will have to submit the proposed amended complaint in the following format: he should begin with a duplicate copy of his original complaint, a copy of which is attached to his order. He should write in any allegations he wishes to add and highlight them or circle them. If plaintiff wants to delete certain allegations from the original complaint, he should draw a line through those allegations in his proposed amended complaint. In addition, he should draw a line through any allegations from the original complaint that are related to claims that have been severed from this case. If plaintiff does these things, it will allow the court to screen plaintiff’s changes quickly and rule more promptly on his motion.

ORDER

IT IS ORDERED that plaintiff Mustafa-El K.A. Ajala's motion for leave to supplement his pleadings, dkt. #3, is DENIED.

Entered this 20th day of December, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge