

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

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SYLVESTER FUDGE, JR.,

Plaintiff,

v.

VA HOSPITAL and GAIL MEISSEN,

Defendants.  
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ORDER

13-cv-791-bbc

In an order entered on December 11, 2013, I dismissed plaintiff Sylvester Fudge's complaint for his failure to comply with Fed. R. Civ. P. 8 because it was impossible to tell from his allegations what he was accusing the defendants of doing to violate his rights. I gave plaintiff until December 31, 2013 in which to submit a proposed amended complaint addressing the deficiencies explained in the December 11 order and warned plaintiff that his failure to respond to the court's order would result in dismissal of the case. On January 22, 2014, I issued an order dismissing the case. Judgment was entered on January 24, 2014.

Now plaintiff has filed a document in which he requests an "extension for [his] case" that I will construe as a motion to reopen the case. Plaintiff states that he is "not good in legal matters and did not understand. The union was supposed to handle [the] case. [Plaintiff has] been sick with degenerative arthritis." He includes a page from the court's complaint form on which he states under the "cause of action" heading, "[Due] to poor

advice I signed a last chance agreement, which wiped out my EEO claim . . . .”

I will deny plaintiff’s motion to reopen the case. Plaintiff was given a long time to file a response (the case was not closed until three weeks after the deadline set in the December 11 order) and he failed to do so. The various problems to which he refers do not adequately explain why he could not file an amended complaint in the six-week period before the case was closed. Moreover, to the extent that his statement about the “last chance agreement” seems to be an attempt at responding to the December 11 order, it does not serve to make his claim any more understandable. At this point, if plaintiff would like to bring his claims in this court, he will have to file a brand-new complaint and will be responsible for another filing fee. If he chooses to bring another case, he will have to explain in his new complaint the basis for his claims or his new case will be dismissed just as this case was.

#### ORDER

IT IS ORDERED that plaintiff Sylvester Fudge Jr.’s motion to reopen the case, dkt. #9, is DENIED.

Entered this 8th day of April, 2014.

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