

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

ROGER DALE GODWIN,

Plaintiff,

v.

JOLIEN WATERMAN, *et al.*,

Defendants.

ORDER

13-cv-174-wmc

State inmate Roger Dale Godwin filed a complaint pursuant to 42 U.S.C. § 1983, alleging assorted violations of his civil rights. On May 3, 2013, the court found that Godwin was ineligible to proceed *in forma pauperis* because he had accumulated more than three-strikes for purposes of 28 U.S.C. § 1915(g) and did not meet the exception for cases involving an “imminent danger of serious physical injury.” Godwin has now filed a motion for reconsideration, which is construed as one seeking to alter or amend the judgment under Fed. R. Civ. P. 59(e).

To prevail on a motion under Rule 59(e), a petitioner must identify an error of law that merits reconsideration of the judgment. *See Obriecht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008); *Sigsworth v. City of Aurora, Ill.*, 487 F.3d 506, 511-12 (7th Cir. 2007). Godwin falls short of meeting this standard here.

Godwin concedes that he has more than three strikes and that he may proceed *in forma pauperis* only to the extent that his claims fit within the imminent-danger exception found in 28 U.S.C. § 1915(g). To meet this exception, an inmate must articulate specific facts showing that a “threat” or risk of physical harm is both “real and proximate” at the time his complaint is filed. *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). The

court found that Godwin's complaint failed to meet this exception because many of his claims concerned incidents that were remote in time and involved no possible risk of physical harm. Godwin's claim concerning the adequacy of his medical care lacked the requisite detail to satisfy the imminent-danger exception or to satisfy federal pleading standards.

Godwin does not contest the findings made in the court's May 3, 2013 order. He does, however, add more detail about his medical condition between November 2012, and May 2013. Godwin explains that he suffers from "PUD" or peptic ulcer disease, which causes him to throw up "dark chunks of blood." Godwin is being treated with antacids for this disorder, but he believes that this is not sufficient to address his medical needs. In particular, Godwin reports that he suffers from chronic pain, but he cannot take NSAIDS (non-steroidal anti-inflammatory drugs) because of his stomach ailments. Although he has been prescribed "Elavil" for pain, Godwin insists that that this medication is not strong enough. He claims that all of the defendants have refused his request to be treated at the local emergency room or UW Hospital in Madison. Because these allegations were not clearly expressed in the original complaint, Godwin does not show that the May 3, 2013 order was entered in error or that he is entitled to relief from the judgment. Accordingly, his motion for reconsideration will be denied.

To the extent that Godwin now claims to be in imminent danger as the result of peptic ulcer disease in May 2013, he may file a new complaint if he wishes to do so, but he will need to supply additional detail in order to demonstrate deliberate indifference. It is not enough for Godwin to allege that he was denied medical treatment; he must allege

that he asked for medical care and that a defendant was deliberately indifferent to his request. He must include enough specific detail about his claim to allow a person reading the complaint to answer the following questions for each incident in which medical care was allegedly denied:

- What type of medical care was requested?
- Why was this particular type of medical care needed?
- When (what date) was the request for medical care made?
- To whom was the request for medical care made?
- Which defendant denied the request for medical care?
- What reason, if any, was given for denying the request for medical care?

In addition, Godwin must provide specific facts explaining how he was injured by the acts of each particular defendant. In other words, he must allege facts demonstrating what did each defendant do that makes him or her liable for violating his rights.

ORDER

IT IS ORDERED that plaintiff Roger Dale Godwin's motion for reconsideration (dkt. # 13) is DENIED.

Entered this 14th day of May, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge