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

DESHAUN STATEN,

Plaintiff,

v.

JOLINDA WATERMAN, SONYA ANDERSON, ASHLEY DRONE, SANDRA MCARDLE, BETH EDGE, MICHAEL KERMLING, TAMMY WEST, REBECCA TRACY, JAMIE ADAMS, LT. JANET FISCHER, DANE ESSER, ERIC BEARCE, SCOTT BROADBENT, MATTHEW MUTIVA, JASON GODDFREY, DUSTIN JAYNES, MARK KARTMAN, JAKE SOLOMAN, REBECCA ENGLEBEURGER, ERICA COLLINS, MATTHEW PECKHAM, DARYL FLANNERY and SHAWN GALLENGER,

Defendants.

OPINION AND ORDER

19-cv-512-wmc

Pro se plaintiff Deshaun Staten filed this lawsuit under 42 U.S.C. § 1983 against nurses and guards working at the Wisconsin Secure Program Facility ("WSPF"). Staten claims defendants violated his federal constitutional and state law rights, as well as the Americans with Disabilities Act and the Rehabilitation Act ("ADA"), by using excessive force during a cell extraction, showing deliberate indifference to his various healthcare needs, and retaliating against him for complaining about their mistreatment. Under 28 U.S.C. § 1915A, the court will grant Staten leave to proceed against some of the named defendants on those claims, as well as related state law claims.

ALLEGATIONS OF FACT[1]

A. Overview

Although all the relevant events comprising his claims in this lawsuit occurred while he was incarcerated at the WSPF in 2018, plaintiff Deshaun Staten is currently incarcerated at Columbia Correctional Institution. The named defendants are all current or former employees of the Wisconsin Department of Corrections ("DOC") and worked at WSPF, including: (1) Nurses Jolinda Waterman, Sonya Anderson, Ashley Drone, Sandra McArdle, Beth Edge, Rebecca Tracy, Tammy West, Jamie Adams and Michael Kermling; and (2) Correctional Officers Dane Esser, Eric Bearce, Scott Broadbent, Matthew Mutiva, Jason Goddfrey, Dustin Jaynes, Mark Kartman, Jake Soloman, Rebecca Engleburger, Erica Collins, Matthew Peckham, Lt. Janet Fischer, Daryl Flannery, and Shawn Gallenger.

Since first being incarcerated at WSPF on June 20, 2016, Staten has suffered from depression and schizophrenia and experienced ongoing mental health problems, including suicidal ideation. Indeed, Staten claims he repeatedly attempted to kill himself throughout 2016 and 2017 by refusing to eat or drink for extended periods of time. As a result, Staten alleges WSPF staff obtained a court order to force feed him by inserting a tube in through his nose and down to his stomach. WSPF staff also allegedly conducted blood draws to monitor Staten's sugar levels and nutritional needs. Staten claims that staff failed to monitor his health and his food intake properly, resulting in liver and kidney damage. Staten also claims nurses conducted the tube feedings and blood draws improperly on seven

[1] In addressing any pro se litigant's complaint, the court must read the allegations of the complaint generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972).

occasions. Staten further claims he was injured by guards who used excessive force in extracting him from his cell to bring him to nursing staff for the purpose of conducting these tube feedings and blood draws. Finally, Staten claims WSPF staff retaliated against him for complaining about this mistreatment by improperly downgrading his mental health rating and limiting his mental health care.

B. Improper Monitoring of Health/Food Intake

Staten alleges that beginning in late 2017 his suicidal ideation resulted in his refusal to eat or drink for a period of weeks. During this period, Staten claims defendants failed to document his lack of food and fluid intake, resulting in inadequate healthcare and permanent liver and kidney damage. More specifically, Staten claims that Nurse Waterman deliberately misrepresented his blood pressure to other healthcare providers, and not only failed to monitor Staten's blood sugar levels, but also instructed Nurses Drone and McArdle not to monitor his levels either. Staten further claims that as a result of defendants' improper monitoring, he was hospitalized five times for issues related to his blood, liver and kidney function.

C. Tube Feedings/Blood Draws

Staten alleges that as a result of his refusal to eat or drink, WSPF obtained a court order to force feed him through a tube which would be inserted through his nose to his stomach. WSPF staff would also draw blood from Staten to monitor his nutritional needs. Staten claims that over the course of 2018 WSPF nurses injured him six times during tube feedings and once while performing a blood draw.

During the tube feeding that took place immediately after the January 23, 2018, cell extraction, Nurses Edge and Drone allegedly used an improper procedure to insert the tube in his nose, causing pain and bleeding. Staten claims Nurse Kermling similarly injured his nose trying multiple times to place a feeding tube, Staten claims Kermling made comments to Staten such as "I am going to put this tube in if it kills me" and "I am going to get this tube in even if it takes all night." (Compl. (dkt. #35) 8.)

In February of 2018, Staten also claims that defendant Rebecca Tracy performed a tube feeding, and after completing it, removed the tube from Staten's nose improperly, and defendant Tammy West attempted five times to place the feeding tube in Staten's nose but was unable to complete the procedure. In particular, he alleges that Nurse Tracy did not ensure Staten held his breath while the tube was being removed to prevent fluids from getting into his lungs, causing injuries and pain, and Nurse West told him it was her first time performing the procedure and after her fifth attempt, she ultimately obtained assistance from Nurse Drone in placing the tube.

At some point in 2018, Nurses Waterman and Edge allegedly injured his nose while attempting to place a feeding tube. Staten claims the tube was causing his nose to bleed profusely, and while Waterman and Edge were attempting to place the tube they said "If you would eat we would not have to injure you." (Compl. (dkt. #35) 9.) Also sometime in 2018, Nurse Waterman allegedly instructed Nurse Anderson to "yank" the feeding tube out of his nose, causing Anderson to remove the tube in a painful manner, again resulting in bleeding from Staten's nose.

As a result of all of these issues with tube feeding, Staten claims that a court order directed that going forward only medical doctors should place the tube, which Nurses Waterman, McArdle and Edge nevertheless ignored. Staten claims these nurses intentionally made the tube feeding process painful to coerce him to eat voluntarily, so that they would not have to seek another court order to force feed him.

Lastly, Staten claims during an unspecified time in 2018 defendant Waterman attempted to draw blood from Staten and injured his vein. Specifically, he claims Waterman improperly removed the needle from his arm by pulling it up, instead of straight down. As a result, Staten allegedly bled so much that blood soaked through his sweatshirt. Although Staten asked Waterman to treat the bleeding, she not only refused, but Staten allegedly overheard her admit to the cell extraction team that she "messed up" the blood draw and they should not film where the blood had soaked through his shirt. The next day, Staten claims that although his arm was swollen and bruised around the injury, his request for treatment was again denied.

D. Cell Extractions

Staten claims that during this same time frame, the WSPF guards tasked with extracting him from his cell to bring him to nursing staff for the court ordered tube feedings and blood draws used excessive force and injured him on at least two occasions. *First*, on January 23, 2018, defendant Esser allegedly came to Staten's cell and explained that he needed to go to the Health Services Unit ("HSU") for a tube feeding. After Staten told Esser he did not want to go and was not hungry, he claims Esser left briefly, then returned and repeated the same instruction. However, when Staten responded again that he did

not want to eat, Officers Bearce, Broadbent, Mutiva, and Godfrey allegedly entered Staten's cell to forcibly extract him without warning or direction. In particular, Staten alleges he was lying prone on the floor when the guards entered and piled on top of him to be handcuffed, causing extreme chest pain and making it hard to breathe. During this extraction, Staten also claims that Officer Bearce punched Staten, as well as laughed at him. Staten claims another officer, Jaynes, was present at this extraction to document the encounter on video, but refused to do so. Staten also claims to have suffered injuries to his head, face, wrists and chest from the extraction.

After guards extracted him, Staten was brought next to the HSU for a tube feeding, where nurses Edge and Drone were on duty but refused to document or treat his injuries. Staten also asked Officer Esser why he and the other guards forcibly removed him from his cell when he was not resisting, to which Esser replied that it was Officer Kartman's decision, and he was

> tired of your bullshit, and maybe now you will take us more seriously when we tell you that you have an HSU appointment and you need to get up of the floor and stick your arms through the trap to be handcuffed, because each time we have to take you out of the cell it's not going to go good for you.

(Compl. (dkt. #35) 13.)

Second, just ten days later, on February 3, 2018, Staten states that he was again lying prone on the floor when Officers Soloman, Engleburger, Collins, and Peckham entered and piled on top of him, punching and kneeing him. This time, Staten claims guard Gallenger was present at this for the purpose of documenting the extraction on video, but also refused to do so. Finally, Staten alleges that Correctional Officers Flannery and Kartman

affirmatively *ordered* the guards involved in the cell extraction to deliberately injure him. Staten claims he suffered lacerations to his face and wrists and bruised ribs from this extraction.

E. Retaliation

Finally, after threatening to file a lawsuit against her and others, Staten claims defendant Waterman and the nursing staff conspired to retaliate by: (1) denying him medical care to address injuries he sustained from cell extraction, tube feedings and blood draws; (2) performing tube feedings in a deliberately painful way; and (3) downgrading his mental health rating to limit his access to mental health care at WSPF. Staten also claims these actions were further taken by Waterman as retaliation against him for filing a lawsuit against WSPF staff and complaining about their treatment of him.

OPINION

Plaintiff seeks to proceed against defendants on claims of deliberate indifference and excessive force in violation of the Eighth Amendment, retaliation in violation of the First Amendment, violations of the ADA and Rehabilitation Act, and negligence and medical malpractice in violation of Wisconsin State law.[2] The court addresses each of these claims in turn below.

[2] Staten also references a due process violation related to his ability to file an amended complaint in this lawsuit, which the court also addresses briefly below.

I. Deliberate Indifference

The Eighth Amendment gives prisoners a right to receive adequate medical care. *Estelle v. Gamble*, 429 U.S. 97, 104-05 (1976). To establish deliberate indifference by denial of medical care under the Eighth Amendment, the plaintiff must prove that: (1) he had a serious medical need; (2) defendants knew the plaintiff needed medical treatment; and (3) defendants consciously failed to take reasonable measures to provide the necessary treatment. *Forbes v. Edgar*, 112 F.3d 262, 266 (7th Cir. 1997). "Serious medical needs" include: (1) life-threatening conditions or those carrying a risk of permanent serious impairment if left untreated; (2) withholding of medical care that results in needless pain and suffering; or (3) conditions that have been "diagnosed by a physician as mandating treatment." *Gutierrez v. Peters*, 111 F.3d 1364, 1371 (7th Cir. 1997). "Deliberate indifference" encompasses two elements: (1) awareness on the part of officials that the prisoner needs medical treatment and (2) disregard of this risk by conscious failure to take reasonable measures.

At this stage, the court draws every reasonable inference in plaintiff's favor. In light of this deference, plaintiff has alleged facts which support a finding that defendants exhibited a conscious disregard for plaintiff's need for treatment for injuries sustained from cell extraction, tube feeding and blood draws, as well as improper monitoring of his nutritional needs. The court also notes that plaintiff claims that the nurses deprived him of healthcare, in violation of Wisconsin's Division of Adult Institutions ("DAI") policy 500.30.18, titled Nursing Assessment Protocols and Procedures, and of DAI policy 500.30.16, titled Restrictive Housing Inmate Healthcare. However, a DAI policy violation

on its own is not enough to satisfy a claim of deliberate indifference. *Glisson v. Indiana Dep't of Corr.*, 849 F.3d 372, 380 (7th Cir. 2017) (failing to follow nurse protocols did not establish an Eighth Amendment violation, since "[n]othing in the U.S. Constitution required [defendant] to follow INDOC's policies."); *Estate of Simpson v. Gorbett*, 863 F.3d 740, 746 (7th Cir. 2017) ("An agency's failure to follow its own regulations does not rise to the level of a constitutional violation unless the regulations themselves are compelled by the Constitution.") (citations omitted). The court instead considers this allegation as a factor in determining whether it would be reasonable to infer that the nurses' handling of his blood draws and feeding tube amount to deliberate indifference.

At this stage, given plaintiff's allegations of repeated injuries and severe bleeding, plaintiff's claim that they did not follow the procedures in place for handling tube feedings and blood draws, *and* his allegations that these defendants carried out the procedures in a reckless manner knowing it would cause plaintiff unnecessary pain and injuries, it is reasonable to infer that defendants Waterman, Anderson, Drone, McArdle, Kermling, Edge, Tracy, and West handled his blood draws and tube feedings in a manner that consciously disregarded the risk to his health and safety. Accordingly, the court will grant plaintiff leave to proceed against these defendants.

II. Excessive Force

For a plaintiff to succeed on a claim of excessive force in violation of the Eighth Amendment, they must submit evidence that prison officials acted "wantonly or, stated another way, 'maliciously and sadistically for the very purpose of causing harm.'" *Harper*

v. Albert, 400 F.3d 1052, 1065 (7th Cir. 2005) (quoting Wilson v. Seiter, 501 U.S. 294, 296 (1991)). The following are factors relevant in that analysis: (1) the need for the application of force; (2) the relationship between the need and the amount of force used; (3) the extent of injury inflicted; (4) the extent of threat to the safety of staff and inmates, as reasonably perceived by the responsible officials based on the facts known to them; and (5) any efforts made to temper the severity of a forceful response. *Whitley v. Albers*, 475 U.S. 312, 321 (1986). Because prison officials must sometimes use force to maintain order, the central inquiry is whether the force "was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm." *Id*. at 320-21 (quoting *Johnson v. Glick*, 481 F.2d 1028, 1033 (2d Cir. 1973)).

If taken as true, as this court must at the pleading stage, Staten has alleged facts supporting a finding that he was not a threat to the safety of WSPF staff and the defendant guards who extracted him from his cell used more force than was necessary. Also taking plaintiff's allegations as true, it is reasonable to infer that the force used during those cell extractions may have been intended to cause him harm, rather than just ensure his compliance and securely transport him to the HSU. Accordingly, the court will grant plaintiff leave to proceed against Esser, Bearce, Broadbent, Mutiva, Godfrey, Jaynes, Soloman, Engleburger, Collins, Peckham, and Gallenger.

However, the court will not grant plaintiff leave to proceed against Kartman or Flannery on an Eighth Amendment claim. The extent of both defendants' involvement in these incidents was ordering the cell extractions. Plaintiff does not allege either Kartman or Flannery were physically present at either of the cell extraction incidents, much less that

either personally caused him physical harm. Neither is it reasonable to infer that Kartman or Flannery ordered the correctional officers carrying out the extractions to use more force than necessary to ensure Staten's compliance, nor knew that they would use excessive force. *Matthews v. City of East St. Louis*, 675 F.3d 703, 708 (7th Cir. 2012) (a supervisor may be liable if he knew about unconstitutional "conduct and facilitate[d] it, approve[d] it, condone[d] it, or turn[ed] a blind eye for fear of what [she] might see") (citation omitted).

In particular, all plaintiff alleges with regards to Kartman is that Esser told plaintiff that Kartman approved the cell extraction order because plaintiff refused to be transported voluntarily to the HSU. Similarly, plaintiff alleges only that Flannery ordered the second cell extraction incident. Given plaintiff's acknowledged refusal to leave his cell voluntarily, Kartman's and Flannery's approval of a cell extractions once again does not permit an inference that either defendant was condoning a constitutional violation. Even Esser's alleged comment that Kartman was tired of dealing with plaintiff, at least standing on its own, does not support a reasonable inference that Kartman either ordered the use of excessive force, or knew the guards he ordered to perform the cell extraction would perform the maneuver in a deliberately painful way, and did nothing to stop them. Accordingly, plaintiff may not proceed on an Eighth Amendment claim against Kartman or Flannery.

III. Retaliation

To state a claim for retaliation under the First Amendment, a plaintiff must allege that: (1) they were engaged in a constitutionally protected activity; (2) they suffered a

deprivation that would likely deter a person from engaging in the protected activity in the future; and (3) the protected activity was a motivating factor in defendants' decision to take retaliatory action. *Bridges v. Gilbert*, 557 F.3d 541, 546 (7th Cir. 2009) (citing *Woodruff v. Mason*, 542 F.3d 545, 551 (7th Cir. 2008)). A prisoner's right to use available grievance procedures has been recognized as a constitutionally protected activity. *Hoskins v. Lenear*, 395 F.3d 372, 375 (7th Cir. 2005).

Again, when taken as true at the screening stage, plaintiff has alleged sufficient facts to support a finding that he engaged in a constitutionally protected activity in stating that he intended to file a lawsuit and complaining about the nurses' treatment of him. More specifically, plaintiff alleges that defendant Waterman retaliated for his engaging in that activity by denying him care and having his mental health rating changed, so he would have access to fewer mental health resources, which are sufficient to satisfy the second and third elements as to Waterman. Other than Waterman, however, plaintiff only alleges "each nurse" conspired with Waterman to retaliate against him, not that these defendants were aware he was engaging in the constitutionally protected activity of either filing a lawsuit or complaining about the care he received, nor that those defendants retaliated against him because he was engaging in that protected activity. Accordingly, the court will grant plaintiff leave to proceed with his retaliation claim against defendant Waterman alone.

IV. ADA and Rehabilitation Act

The ADA prohibits discrimination against qualified persons with disabilities. To establish a violation of Title II of the ADA, a plaintiff "must prove that he is a 'qualified individual with a disability,' that he was denied 'the benefits of the services, programs, or activities of a public entity' or otherwise subjected to discrimination by such an entity, and that the denial or discrimination was 'by reason of' his disability." *Wagoner v. Lemmon*, 778 F.3d 586, 592 (7th Cir. 2015) (*citing Love v. Westville Corr. Ctr.*, 103 F.3d 558, 560 (7th Cir. 1996) (citing 42 U.S.C. § 12132)). The Rehabilitation Act is substantially identical to the ADA, except that a claim under the Rehabilitation Act has four elements: (1) an individual with a disability; (2) who was otherwise qualified to participate; (3) but who was denied access solely by reason of disability; (4) in a program or activity receiving federal funding. *Jaros v. Illinois Dep't of Corr.*, 684 F.3d 667, 671 (7th Cir. 2012).

At the pleading stage the court accepts plaintiff's claims of mental illness rendered him disabled as defined by both the ADA and the Rehabilitation Act. However, his allegations do *not* satisfy the second or third elements of a *prima facie* case under either statute. Specifically, plaintiff does not allege that he was denied mental health resources *because of* the fact he is mentally ill, which would be a violation of both statutes. Instead, he asserts that *mental health services* were denied him, an allegation already encompassed in both his Eight Amendment claim for deliberately indifferent medical care and his retaliation claim. *See Barrett v. Wallace*, 570 Fed. Appx. 598, 600 (7th Cir. 2014) (plaintiff had no ADA claim for failure to treat mental health issues properly, at least where he fails to allege denial of treatment *because of* his mental illness). Because plaintiff has not alleged

that he was denied services because of his disability, he may not proceed on a claim under the ADA or the Rehabilitation Act.

V. State law claims

Plaintiff also seeks to proceed against all defendants on state law negligence/medical malpractice claims. Under Wisconsin common law, the elements of a negligence claim are: (1) a duty of care on the part of the defendant, (2) a breach of the duty by failing to exercise ordinary care; (3) a causal connection between the conduct and the injury; and (4) an actual loss or damage as a result of the injury. *Green Spring Farms v. Kersten*, 136 Wis. 2d 304, 307 (1987). The elements of medical malpractice are the same: under Wisconsin law, a medical malpractice claim requires proof that a medical provider's care fell below the applicable standard of care. *See Smith v. Hentz*, No. 15-cv-633-jdp, 2018 WL 1400954, at *3 (W.D. Wis. Mar. 19, 2018).

Since the allegations supporting Staten's Eighth Amendment deliberate indifference and excessive force claims also support his proposed state law negligence claims, the court may exercise supplemental jurisdiction over them. *Wisconsin v. Ho-Chunk Nation*, 512 F.3d 921, 936 (7th Cir. 2008) (supplemental jurisdiction over state law claims is proper "so long as they derive from a common nucleus of operative fact with the original federal claims") (citation and internal quotations omitted). On the facts alleged here, it is reasonable to infer that: (1) all defendants owed Staten a duty of care as WSPF staff; (2) they failed to fulfill that duty in actions extracting Staten from his cell, performing tube feedings and blood draws; (3) there is a clear causal link between the defendants' actions

and Staten's various alleged injuries; and (4) Staten alleges actual injuries. Therefore, the court will grant plaintiff leave to proceed with his negligence claim against defendants Waterman, Anderson, Drone, McArdle, Kermling, Edge, Tracy, West, Esser, Bearce, Broadbent, Mutiva, Godfrey, Jaynes, Soloman, Engleburger, Collins, Peckham, and Gallenger.

However, since plaintiff was not granted leave to proceed on a federal claim against Kartman and Flannery, the court will choose not to exercise supplemental jurisdiction over any potentially related state law claim against them. Accordingly, the court will dismiss them from this lawsuit. *Williams v. Rodriguez,* 509 F.3d 392, 404 (7th Cir. 2007) (affirming trial court's dismissal of plaintiff's state law claims for lack of jurisdiction after parallel federal claims had been dismissed).

VI. Stray Allegations

Finally, the court notes that plaintiff includes in his complaint a description of a period during which he was deemed at risk for suicidal behavior and placed on "controlled status," which prevented him from accessing paper or writing utensils. Plaintiff alleges WSPF staff did this deliberately to prevent him from filing his complaint in this lawsuit, which he describes as a violation of his Fourteenth Amendment due process rights.

Even taking the facts plaintiff alleges as true, however, they do not support a due process claim. To state a claim of denial of access to the courts, Staten would need to allege facts from which an inference can be drawn of "actual injury." *Lewis v. Casey*, 518 U.S. 343, 349 (1996). At a minimum, plaintiff would need to allege facts showing that

the "blockage prevented him from litigating a nonfrivolous case." *Walters v. Edgar*, 163 F.3d 430, 433-34 (7th Cir. 1998); *see also Pratt v. Tarr*, 464 F.3d 730, 731–32 (7th Cir. 2006) (to state access to courts claim, plaintiff must allege that he was deprived of the ability to pursue "a legitimate challenge to a conviction, sentence, or prison conditions"). Given that plaintiff was obviously able to file a timely complaint in this this lawsuit, therefore, he may not proceed on a due process claim under the Fourteenth Amendment.

Plaintiff similarly references an incident in 2019 where defendants Jamie Adams as a WSPF nurse and guard Lt. Janet Fischer as a WSPF Lieutenant allegedly, forcibly took a urine and blood sample from him in a painful and improper manner, which plaintiff alleges constitutes deliberately indifferent medical care. However, plaintiff's claims in this lawsuit relate to tube feeding and cell extraction events that occurred in 2018. Plaintiff's allegations with regards to this 2019 incident are too attenuated by both time and differing factual circumstances to be considered a part of the ongoing incidents that form the basis of this lawsuit. Accordingly, the court will not grant him leave to proceed with respect to claims regarding this apparently unrelated, 2019 urine and blood draw against Jamie Adams and Janet Fischer, and they, too, will be dismissed without prejudice from this lawsuit. If plaintiff wishes to open a separate lawsuit related to this proposed claim, he should promptly notify the court so that it may sever, rather than dismiss these claims outright. Plaintiff is advised that if he chooses to sever these claims, he will be subject to a new filing fee and screening under § 1915A.

ORDER

IT IS ORDERED that:

1) Plaintiff Deshaun Staten is GRANTED leave to proceed on:

   a) Eighth Amendment deliberate indifference, and state law negligence claims against defendants Waterman, Anderson, Drone, McArdle, Kermling, Edge, Tracy, and West.

   b) First Amendment retaliation claim against defendant Waterman.

   c) Eighth Amendment excessive force and Wisconsin negligence claims against defendants Esser, Bearce, Broadbent, Mutiva, Godfrey, Jaynes, Soloman, Engleburger, Collins, Peckham, and Gallenger.

2) Plaintiff is DENIED leave to proceed on any other claims and defendants Kartman, Flannery, Fischer and Adams are DISMISSED without prejudice from this lawsuit barring a request to sever.

3) Pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, copies of plaintiff's complaint and this order are being sent today to the Attorney General for service on the state defendants. Under the agreement, the Department of Justice will have 60 days from the date of the Notice of Electronic Filing in this order to answer or otherwise plead to plaintiff's complaint if it accepts service for the defendants.

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

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

6) If plaintiff is transferred or released while this case is pending, it is his obligation to inform the court of his new address. If he fails to do this and defendants or the court is unable to locate him, his case may be dismissed for failure to prosecute.

Entered this 15th day of July, 2021.

BY THE COURT:

/s/

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WILLIAM M. CONLEY
District Judge