

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

ANDRE L. TINNON,

Plaintiff,

v.

OPINION AND ORDER

19-cv-420-wmc

GARY BOUGHTON, MARK
KARTMEN, ELLEN K. RAY,
LACEY DICKMAN, C.O. A.
JONES, MR. ANDREW SIMCOX,
DAVID GARDNER, and
STACEY HOEM,

Defendants.

Pro se plaintiff Andre L. Tinnon alleges that defendants violated his constitutional rights in issuing him a false conduct report resulting in a punishment of multiple years of solitary confinement at the Wisconsin Secure Program Facility. The court dismissed Tinnon's complaint because it did not comply with the Federal Rules of Civil Procedure. (Dkt. #10.) Specifically, Tinnon's allegations of a false conduct report, without more, were insufficient to implicate his constitutional rights. The court allowed Tinnon to file an amended complaint, explaining that he should pay "particular attention to exactly how each of the named defendants was involved in the events surrounding the conduct report." (*Id.* at 5.)

Tinnon has filed four proposed amended complaints (dkt. ##11, 12, 13, 14) and several affidavits and letters, but even under the generous pleading standard applicable to the review of *pro se* filings, they do not address the deficiencies described in the court's prior order. In his filings, Tinnon repeats his allegations that he received a conduct report

in 2018 falsely accusing him of recruiting and teaching inmates about prison gang the Black Gangster Disciples when he was helping another inmate with his legal paperwork. Although Tinnon admits that he used to be in that gang, he is no longer affiliated with it and has become a devout Muslim. Tinnon also alleges that has been wrongfully convicted of a criminal offense, has been in segregation for battery on guards and other inmates rather than gang activity, and notes that he is studying psychology and to become a paralegal, has given an interview denouncing any gang affiliation and written a novel.

The court encourages Tinnon's efforts to pursue his education and other rehabilitative programming. However, Tinnon still has not stated a claim upon which the court can grant relief. As the court explained in its prior order, allegations that the charges in a conduct report are false does not support a constitutional claim under 42 U.S.C. § 1983. *See Lagerstrom v. Kingston*, 463 F.3d 621, 624-25 (7th Cir. 2006) (false conduct reports do not create procedural due process claims because the inmate can litigate the truthfulness of report through the hearing process). Despite the opportunity to amend, Tinnon has not alleged any details about how any of the proposed defendants were involved in the charges lodged against him other than they "signed reports." (Dkt. #11.) Nor has Tinnon alleged details about the conduct report proceedings, any appeal of those proceedings, or the conditions of his confinement in segregation. Although Tinnon attaches hundreds of pages of documents to his filings that he claims relate to his proposed claims, and the court is sympathetic to the challenges *pro se* litigants may face filing a lawsuit on their own, the court has also already explained that it will not search attachments for relevant facts. *See Foley v. Wells Fargo Bank, N.A.*, 772 F.3d 63, 79-80 (1st

Cir. 2014) (“[I]t is not [the court’s] job, in an effort to ferret out the adequacy of a plaintiff’s pleaded allegations, to haphazardly mine documents appended to a complaint”); *Families of Spinal Muscular Atrophy v. Nationwide Children’s Hosp.*, No. 16-cv-4262, 2016 WL 4987944, at *6 (N.D. Ill. Sept. 19, 2016) (“merely attaching documents to a complaint” does not satisfy Rule 8(a)(2)). Accordingly, the court will dismiss this lawsuit. *See Paul v. Marberry*, 658 F.3d 702, 705 (7th Cir. 2011) (where plaintiff fails to take the chance to amend the complaint to repair deficiencies, the lawsuit should be dismissed for failure to state a claim).

ORDER

IT IS ORDERED that:

- 1) Plaintiff Andre L. Tinnon is DENIED leave to proceed on any claims in this lawsuit, and this lawsuit is DISMISSED for failure to state a claim upon which relief can be granted.
- 2) The clerk of court is directed to record this dismissal as a “strike” against plaintiff under 28 U.S.C. § 1915(g) and to close this case.

Entered this 29th day of September, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge