

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

WILLIAM TEAS,

Plaintiff,

v.

OPINION and ORDER

16-cv-452-bbc

DALIA SULIENE, KARL HOFFMAN,
KAREN ANDERSON, MEREDITH MASHANK,
LILLIAN TENEBRUSO, NANCY WHITE,
ANTHONY ASHWORTH, MICHAEL WEBER,
DAVID MELBY, JANEL NICKEL,
KEVIN BOODRY, MICHAEL DITTMAN,
JAMES GREER, EDWARD WALL and OFFICER BOWAR,

Defendants.

In an order dated August 31, 2016, I screened plaintiff William Teas's complaint in accordance with 28 U.S.C. §§ 1915(e)(2) and 1915A. I allowed him to proceed on several claims regarding treatment of his back pain, but I concluded that two of his claims did not provide fair notice, as required by Fed. R. Civ. P. 8: (1) defendants Karen Anderson, Meredith Mashak, Lillian Tenebruso and Nancy White failed to schedule appointments with physicians in a timely manner, in violation of the Eighth Amendment; and (2) defendants Anderson, Mashak, Tenebruso and White failed to take any action when defendants Suliene and Hoffman did not provide appropriate treatment for plaintiff's back problems, in violation of the Eighth Amendment. With respect to the first claim regarding alleged delays,

plaintiff did not identify any particular instances of delays, how long he had to wait, the reasons for the delays, whether he needed emergency care (and if so, why he believes this), why he believes his wait time was too long or how an earlier appointment would have made a difference to his condition. With respect to the second claim regarding the alleged failures of managers of the health services unit to question the treatment choices of plaintiff's physicians, plaintiff did not identify any reason to believe that the managers knew that the physicians were providing inadequate treatment or that the managers had the authority, responsibility or even necessary knowledge to second guess the decisions of plaintiff's physicians.

Although plaintiff's allegations with respect to these two claims did not state a claim upon which relief may be granted, I gave plaintiff until September 20, 2016, to try again. On September 19, 2016, the court received a request from plaintiff for a 30-day extension of time to file an amended complaint. Dkt. #8. Plaintiff says that he needs more time because he has limited time in the prison library where he types his documents and that handwriting the complaint would be "nearly impossible" because of his "physical symptoms."

Plaintiff does not identify the condition that makes it difficult for him to handwrite documents. In his complaint, he says that he has back problems, but it is not clear how that would affect his ability to write. However, even if I assume that plaintiff needs to use the computer in the library to type his amended complaint, he does not identify any reason why it would take him nearly two months to complete the project. He admits that he is allowed to use the library three times a week. That should have provided more than enough

opportunity to draft an amended complaint over the three-week period allowed by the court. Plaintiff does not have to conduct legal research or obtain legal guidance from another prisoner to prepare his amended complaint; he just has to describe what happened using his own personal knowledge.

Because it is now impossible for plaintiff to file his amended complaint before the September 20, 2016 deadline, I will give him a short extension of time. However, plaintiff should not expect to receive any additional extensions of time in the absence of extraordinary circumstances.

ORDER

IT IS ORDERED that plaintiff William Teas's motion for a 30-day extension of time to file an amended complaint, dkt. #8, is DENIED. Plaintiff may have until October 3, 2016 to file an amended complaint. If plaintiff does not respond by October 3, 2016, I will dismiss with prejudice the claims described in this order.

Entered this 20th day of September, 2016.

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