

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

WILLIAM FREDERICK WILLIAMS,

Plaintiff,

ORDER
97-C-755-C

v.

RHONDA K. TROIA, ANN MYATT,
Madison Police Officers,
DOCTOR MALCOM LINDSEY, and
LACINDA SMITH, University of Wisconsin
Hospital Staff,

Defendants.

Plaintiff has been granted leave to proceed in forma pauperis in this case on his claim that defendants used excessive force during the course of an arrest. Now plaintiff has filed an untitled document which I construe as a motion for an enlargement of time in which to file a proposed amended complaint and a motion for an order enjoining prison officials at the North Fork Correctional Facility (who are not defendants in this action) from interfering with his ability to prosecute this case.

In support of both motions, plaintiff contends that prison officials “manipulate” the balance in his prison account in order to hinder or delay his requests for photocopies and

postage for legal mail and that they have confiscated as contraband an x-ray he intends to submit as evidence in this case. He states that he is attempting to get another set of x-rays from his prison file but that he has not yet received those copies.

As an initial matter, I note that although Magistrate Judge Stephen Crocker set September 29, 2000 as the deadline within which the parties would be permitted to file amended pleadings, this does not mean that the parties are *required* to amend their pleadings. Here, I have already found in the order granting plaintiff leave to proceed that the allegations of his complaint are sufficient to state a claim against the named defendants under the Fourth and Fourteenth Amendments and state law. Plaintiff does not need to amend his complaint to submit evidence. The submission of evidence is proper only in connection with a motion, such a motion for summary judgment, or at trial. Nor would he be allowed to amend his complaint to add defendants or new claims that have nothing to do with the excessive force claim on which he is already proceeding. Because plaintiff suggests no valid reason why he could not meet the original deadline for filing an amended complaint, and no persuasive reason why he believes an amendment is necessary, his request for an enlargement of time in which to file a proposed amended complaint will be denied.

Plaintiff's motion for an order enjoining prison officials at the North Fork Correctional Facility from interfering with his ability to prosecute this case also will be denied. As I noted

earlier, the only claim on which plaintiff has been allowed to proceed in this case is his claim that defendants Troia and Myatt, Madison police officers, and defendants Lindsey and Smith, University of Wisconsin Hospital staff, used excessive force against him in connection with his arrest. The complaint does not include a retaliation claim against North Fork Correctional Facility officials. Indeed, in situations in which a plaintiff alleges that prison officials are retaliating against him for filing a lawsuit, it is the policy of this court to require the claim to be presented in a lawsuit separate from the one which is alleged to have provoked the retaliation. This is to avoid the complication of issues that can result from an accumulation of claims in one action.

The court recognizes an exception to this policy only where it appears that the alleged interference would directly, physically impair the plaintiff's ability to prosecute his lawsuit. Even if prison officials are delaying plaintiff's ability to obtain photocopies or postage, he has not alleged facts sufficient to demonstrate that prison officials have presented a direct, physical impairment to his prosecuting his claims. Therefore, I decline to issue an order relating to the actions of prison officials at North Fork.

ORDER

IT IS ORDERED that plaintiff William Frederick Williams's motion for an enlargement

of time in which to file an amended complaint is DENIED.

Further, IT IS ORDERED that plaintiff's motion for an order enjoining North Fork Correctional Facility officers from interfering with his ability to prosecute this case is DENIED.

Entered this 18th day of October, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge