

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

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MICHAEL A. GRINDEMANN,

Plaintiff,

v.

JON E. LITSCHER (Secretary of WI DOC),  
JANE GAMBLE (Warden KMCI)

Defendants.  
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ORDER

02-C-0429-C

Plaintiff is proceeding pro se and in forma pauperis in this civil action on a claim that defendants violated his First Amendment rights by denying him a religious Pentacle. The parties are briefing a motion for summary judgment on the merits of that claim. Now plaintiff has filed a document titled “Supplemental Complaint and Motion for Preliminary Injunction,” in which he asks for permission to amend his complaint to allege that he has been recommended for a transfer to another institution in retaliation for having filed this lawsuit and to request an order preliminarily enjoining his transfer.

Plaintiff's claim of retaliation cannot be raised in a supplemental complaint in the context of this lawsuit. In situations in which a plaintiff alleges that prison officials have

retaliated against him for initiating 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 which 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 retaliation would directly, physically impair the plaintiff's ability to prosecute his lawsuit. A transfer would not directly or physically interfere with plaintiff's ability to prosecute this case. He will still have access to pens and paper, his legal papers and postage. Therefore, plaintiff's motion for leave to file a supplemental complaint to add a retaliation claim will be denied.

Plaintiff's motion for a preliminary injunction also will be denied. Because the preliminary injunctive relief plaintiff wants relates directly to a claim that he has not been allowed to raise in the context of this lawsuit, there is no basis for granting the motion.

## ORDER

IT IS ORDERED that

1) plaintiff's motion for leave to supplement his complaint to allege that he has been recommended for a transfer to another institution in retaliation for having filed this lawsuit

is DENIED; and

2) plaintiff's motion for an order preliminarily enjoining his transfer is DENIED.

Entered this 13th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge