

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

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NATHANIEL ALLEN LINDELL

Plaintiff,

ORDER

v.

02-C-473-C

JOANNE GOVIERE and  
TIMOTHY HAINES,

Defendants,  
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Not surprisingly, in a case that began with approximately 65 defendants and 42 claims, an error has occurred. By mistake, this court omitted defendant Timothy Haines from the list of defendants to dismiss from this case in the May 26, 2004 order, dkt. #24. This error has been perpetuated by defendants, who included defendant Haines in subsequent motions, such as their motion to dismiss under Fed. R. Civ. P. 21, dkt. #31, and their motion for summary judgment, dkt. #95. Apparently, in preparing for trial, defendants have discovered that no claims remain against defendant Haines and ask this court to clarify Haines's status as a defendant.

Defendants point out, correctly, that I denied plaintiff Nathaniel Allen Lindell leave

to proceed in forma pauperis on his First Amendment retaliation claim against defendant Haines because plaintiff failed to allege facts to show that Haines had acted with a retaliatory motive. Because this was plaintiff's only claim against Haines, Haines should have been dismissed from the action on May 26, 2004. Therefore, page 70 of the May 26 order, dkt. #24, is AMENDED to read:

“IT IS FURTHER ORDERED that

1) respondents Doyle, McCallum, Puckett, Blackburn, Sharpe, Haines, Hrudka, Carpenter, Miller, Ferrell, Sherman, McClimmons, Eck, Lomen, John Doe ## 1, 2, 3, 4, 5, 9, and 10, Eckstein, Garritson and Schultz, are dismissed from this case.”

In addition, it is ORDERED that all references to defendant Timothy Haines in orders entered after entry of the May 26 order are to be disregarded.

Entered this 18th day of April, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge