

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

STEVEN CASPERSON, MATTHEW FRANK,
JON E. LITSCHER, LAURA WOOD,
GERALD BERGE, PETER HUIBREGTSE,
GARY BOUGHTON, VICKI SEBASTIAN,
CPT. TIMOTHY HAINES, LINDA HODDY,
CINDY O'DONNELL, LT. GARDINER,
JULIE BIGGAR, SGT. HANKE, TODD OVERBO,
SANDRA GRONDIN, JoANNE GOUIERE (JANE DOE),
JOHN DOE #'S 6 and 8, ELLEN RAY,
GARY McCAUGHTRY, MARC CLEMENTS,
DEBRA TETZLAFF, CPT. STEVE SCHUELER,
C.O. WATSON, CHAPLAIN FRANCIS,
BYRON BARTOW, KATHLEEN BELLAIRE,
and STEVE SPANBAUER,

Defendants.

ORDER

02-C-473-C

Plaintiff has filed a motion to amend his complaint and for reconsideration of certain aspects of this court's order of May 27, 2004, in which I granted plaintiff leave to proceed on several claims and denied him leave to proceed on several other claims.

As plaintiff is aware, this court allowed him to substitute an amended complaint for his original complaint following the decision of the Court of Appeals for the Seventh Circuit to remand his case to this court. Subsequently, on February 4, 2004, I concluded that the amended complaint failed to comply with Fed. R. Civ. P. 8 and I gave plaintiff an opportunity to file a second amended complaint. Plaintiff filed his second amended complaint on February 17, 2004. Although this complaint was only slightly less verbose and tortuous to navigate than plaintiff's first amended complaint, I considered the allegations of the complaint carefully and, in a 71-page opinion, determined which of his claims could go forward and which lacked legal merit. That order has been served on the defendants, together with plaintiff's second amended complaint, and defendants are in the process of preparing an answer.

In support of his motion to amend, plaintiff has not submitted a proposed amended complaint that can replace the second amended complaint. Instead, he has submitted sixteen pieces of paper on which he has written a page number, one or more paragraphs with circled words or phrases and a sentence that states, "Everything else on the [particular] page of Lindell's operative complaint remains the same, unless it's a circled portion in the below paragraphs." In other words, he appears to wish the court and defendants to insert these pages in and around the identical page numbers in his existing complaint, and bounce between the pages when reading his allegations to insure that his changes are understood.

Fed. R. Civ. P. 8 does not permit such pleadings. It would be impossible for defendants to answer such a complaint. In any event, it is too late for plaintiff to seek to tidy up his allegations of fact. He has had ample time to set forth his claims. It is now time for him to focus on gathering evidence to prove the claims on which he has been allowed to proceed.

With respect to plaintiff's motion for reconsideration of the denial of certain of his claims, as I noted above, I gave considerable thought to plaintiff's claims when I screened his second amended complaint. I do not intend at this stage to revisit matters that have already been decided or to pore over plaintiff's hundreds of factual allegations to ascertain whether I overlooked one or more possible claims.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration of this court's May 27, 2004 order is DENIED.

Further, IT IS ORDERED that plaintiff's motion to file a third amended complaint

is DENIED.

Entered this 16th day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge