

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

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NATHANIEL ALLEN LINDELL,  
  
Plaintiff,

OPINION AND  
ORDER

02-C-473-C

v.

JAMES DOYLE, SCOTT McCALLUM, STEVEN  
CASPERSON, MATTHEW FRANK, JON E. LITSCHER,  
LAURA WOOD, STEVE PUCKETT, GERALD BERGE,  
PETER HUIBREGTSE, GARY BOUGHTON, VICKI  
SEBASTIAN, CPT. GARY BLACKBOURN, TIMOTHY  
HAINES, LINDA HODDY, JOHN SHARPE, CINDY  
O'DONNELL, MR. HRUDKA, LT. GARDINER,  
JULIE BIGGAR, MARK CARPENTER, DARREN MILLER,  
SGT. HANKE, MR. FERRELL, TODD OVERBO,  
MICHAEL SHERMAN, DENNIS McCLIMMONS,  
STEVE ECK, CHAD LOMEN, SANDRA GRONDIN,  
JoANNE GOVIERE, JOHN DOE #'S 1, 2, 3, 4, 5, 6,  
8, 9 and 10, ELLEN RAY, GARY McCAUGHTRY,  
MARC CLEMENTS, DEBRA TETZLAFF, CPT. SCOTT  
ECKSTEIN, CPT. STEVE SCHUELER, LT. RANDALL  
GARRITSON, WILLIAM SCHULTZ, C.O. WATSON,  
CHAPLAIN FRANCIS, BYRON BARTOW, KATHLEEN  
BELLAIRE, and STEVE SPANBAUER,,

Defendants.

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On May 26, 2004, I granted plaintiff Nathaniel Allen Lindell leave to proceed in

forma pauperis on 22 claims against various defendants. These claims include alleged violations of plaintiff's rights under the First, Eighth and Fourteenth Amendments as well as under the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-2000cc-5.

Presently before the court is defendants' motion to dismiss under Fed. R. Civ. P. 21 defendants Julie Biggar, C.O. Watson, Sgt. Hanke, Lt. Gardiner, Timothy Haines, unnamed defendant John Doe and Joanne Goviere (whose last name was incorrectly spelled in previous captions for this case as "Gouiere" and who has been designated by the court as a Jane Doe defendant pursuant to an order on June 11, 2004). According to defendants, plaintiff's claims against defendants Biggar, Watson, Hanke, Gardiner, Goviere and Haines relate to facts concerning retaliation for filing a lawsuit, complaint or appeal of a conduct report and with respect to the unnamed defendant John Doe, facts relating to excessive force. Defendants argue that because plaintiff is suing these defendants for violations unrelated to his principal claim in this lawsuit, which is whether Department of Corrections employees accommodated Lindell's beliefs in Wotanism, these defendants are improperly joined to this lawsuit under Fed. R. Civ. P. 20(a).

Defendants point out that Rule 20(a) imposes two requirements for proper joinder: 1) the right to relief must be asserted by each plaintiff or defendant and must arise out of the same transaction, occurrence or series of transactions; and 2) some question of law or

fact common to all the parties must arise in the action. Under Fed. R. Civ. P. 20, joinder of claims, parties and remedies is strongly encouraged. United Mine Workers of America v. Gibbs, 383 U.S. 715, 724 (1966). However, where joinder is inappropriate, claims may be severed pursuant to Fed. R. Civ. P. 21. The trial judge has broad discretion to determine when joinder or severance are appropriate. Thompson v. Boggs, 33 F.3d 847, 858 (7th Cir. 1994); Intercon Research Assoc. Ltd. v. Dresser Industries, 696 F.2d 53, 56 (7th Cir. 1982).

Defendants' argument is creative but unpersuasive. It is standard practice in this court to allow plaintiffs to bring multiple claims against multiple defendants, even if those claims are unrelated to one another. See e.g., King v. Frank, 04-C-338-C, 2004 WL 1687198 (W.D. Wis. July 27, 2004); Franklin v. McCaughtry, 02-C-618-C, 2004 WL 221982 (W.D. Wis. Feb. 3, 2004); Irby v. Litscher, 03-C-346-C, 2004 WL 1774733 (W.D. Wis. July 23, 2004); see also Antonelli v. Sheahan, 81 F.3d 1422, 1426-27 (7th Cir. 1996) (jail resident stating claims against various defendants for constitutional violations including: 1) inadequate bedding; 2) opened, delayed or lost mail; 3) lack of recreation; 4) living unit infested with cockroaches and mice; 5) negligence in operating law library; 6) deficient commissary; 7) inadequate food; 8) deficient lighting; 9) denial of religious services; 10) deficient medical attention; 11) excessive noise; 12) deprivation of personal property; 13) failure to treat psychological condition; 14) failure to control and protect from improper air temperature; 15) lack of public library and material to read; 16) negligent maintenance of

building; 17) arbitrary lockdowns; 18) inadequate grievance procedures; 19) illegal post-conviction detention; and 20) negligent hiring, training, supervision and retention of personnel). Because trial courts have broad discretion in determining whether severing parties is appropriate and because traditionally this court and the Court of Appeals for the Seventh Circuit have allowed prisoner plaintiffs to pursue multiple, unrelated claims against multiple parties, I will deny defendants' motion to dismiss defendants Julie Biggar, C.O. Watson, Sgt. Hanke, Lt. Gardiner, Joanne Goviere, Timothy Haines and unnamed defendant John Doe under Fed. R. Civ. P. 21.

ORDER

IT IS ORDERED that defendants' motion to dismiss defendants Julie Biggar, C.O. Watson, Sgt. Hanke, Lt. Gardiner, Joanne Goviere, Timothy Haines and unnamed defendant John Doe under Fed. R. Civ. P. 21 is DENIED.

Entered this 30th day of August, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge