

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

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FREDERICK B. ROGERS,

Plaintiff,

v.

BARBARA BARRINGTON, ROCK COUNTY  
JAIL; LIEUTENANT MIKE HATTER;  
LIEUTENANT JEGERLEHNER; SERGEANT  
BILL BARFKNECHT; SERGEANT PAT LALOR;  
NURSE CHRIS SIANO; SERGEANT DEREMER,

Defendants.

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ORDER

00-C-362-C

By his recently appointed counsel, plaintiff Frederick B. Rogers has filed a proposed amended complaint. The amended complaint voluntarily dismisses defendants Barbara Barrington, Rock County Jail, Lieutenant Mike Hatter, Lieutenant Jegerlehner, Sergeant Bill Barfknecht, Sergeant Pat Lalor and Sergeant Deremer and adds as defendants Dr. Marshall F. Purdy and Rock County, Wisconsin. The claim raised in the amended complaint is essentially the same claim on which plaintiff already has been granted leave to proceed in his original complaint; that is, that defendants violated plaintiff's Eighth Amendment right to

medical care for a serious medical need when they refused to fill his prescription for Prozac. The amended complaint also adds a claim pursuant to 42 U.S.C. § 1983 against Rock County on the ground that the alleged unconstitutional actions of defendants Siano and Purdy were pursuant to a policy or customary practice of Rock County regarding the delivery of prescription drugs to inmates at the Rock County jail.

Because plaintiff is a prisoner, I have reviewed his proposed amended complaint in accordance 28 U.S.C. § 1915A. I conclude that the proposed amended pleading is not frivolous or malicious, does not fail to state a claim upon which may be granted and is not being brought against a defendant who is immune from relief. Accordingly, I accept plaintiff's proposed amended complaint as the operative pleading in this case.

Plaintiff is to arrange promptly for service of a summons (or obtain a waiver of service of a summons) and the amended complaint on the newly added defendants. The time within which defendant Siano is to respond to the amended complaint is extended so as to

allow Siano to file her response at the same time the newly added defendants file their responsive pleading to the amended complaint.

Entered this 19th day of September, 2000.

BY THE COURT:

BARBARA B. CRABB  
District Judge