

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

BERRELL FREEMAN,

Plaintiff,

ORDER

v.

03-C-0021-C

GERALD BERGE and
JON E. LITSCHER,

Defendants.

Pursuant to 28 U.S.C. § 1915A, I have screened plaintiff Berrell Freeman's proposed amended complaint dated February 9, 2004, which was filed by counsel recently appointed to represent plaintiff. The proposed amended complaint drops Jon Litscher as a defendant. I conclude that plaintiff's amended complaint states a claim of a violation of his Eighth Amendment rights against defendant Berge.

Accordingly, IT IS ORDERED that plaintiff's amended complaint is accepted as the operative pleading in this action. Defendant Berge's deadline to file a response to the amended complaint remains as directed in Magistrate Judge Crocker's scheduling order of January 29, 2004.

Further, IT IS ORDERED that Jon E. Litscher is DISMISSED from this action.

Entered this 11th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge