

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

MELICHSIA BOSS,

Plaintiff,

v.

ROCK COUNTY, WISCONSIN,

Defendant.

ORDER

02-C-0678-C

This is a civil action in which plaintiff Melichsia Boss is proceeding pro se and in forma pauperis on her claim that while she was employed by Rock County, she was harassed and terminated and retaliated against because of her race, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e. Now, following a preliminary pretrial conference before the magistrate judge and, in compliance with the deadline established at that conference for filing amending pleadings, plaintiff has submitted a document titled “Plaintiff’s Amendment to the Pleadings.” Because plaintiff does not indicate that she has mailed a copy of her amendment to Jerome Long, counsel for defendant Rock County, as she is required to do under Fed. R. Civ. P. 5, I am enclosing a copy of the amendment to opposing counsel with a copy of this order. Plaintiff is cautioned, however,

that in the future, the court will take no notice of papers she files that do not show clearly that a copy has been mailed to Mr. Long.

Plaintiff's proposed amendment states in its entirety:

Plaintiff's Amendment to the Pleadings:

- Plaintiff attempted to resolve issue.
- Plaintiff's Attorney Lorraine McNamara-McGraw was retain to represent plaintiff in all proceedings before the EEOC up to and including resolution or decision on the merits and/or mediation.
- Defendant placed interested in any firm offer of settlement that plaintiff proposes.
- Defendant declined plaintiff's attorney purpose in meeting or discussing settlement until a firm offer was placed on the table.
- Plaintiff would like to add a new defendant the company "Cooper Wilson" which was contracted by Rock County Department of Aging.

I construe plaintiff's proposed amendment to include a motion to amend, and will deny the motion.

First, plaintiff's proposed amendment is not in proper form. An amended complaint should be able to replace the original complaint. It should contain all of the allegations of the original complaint that plaintiff wishes to keep, eliminate allegations she wishes to discard, and add new allegations that might, for example, provide greater information about a claim or the basis for this court's jurisdiction. Plaintiff's proposed amended complaint cannot stand on its own. It is devoid of the factual allegations making up plaintiff's claim under Title VII.

Second, the first four statements plaintiff makes in her proposed "amendment" are

not appropriate allegations to include in any pleading. They do not provide missing or essential factual information about the bases for plaintiff's claim or the court's jurisdiction. They appear simply to list the actions plaintiff has taken to attempt to settle her case with the defendant since she filed her complaint.

Third, plaintiff states that she wishes to add a new defendant, "the company 'Cooper Wilson' which was contracted by Rock County Department of Aging." However, although it proper in some instances to attempt to amend a pleading to add parties, in this instance it is not. This is because in Title VII actions, an aggrieved employee is not allowed to sue anyone other than her employer. See Williams v. Banning, 72 F.3d 552, 555 (7th Cir. 1995). Plaintiff alleges in her original complaint that she was employed and fired by Rock County. She does not allege that she was ever employed by Cooper Wilson or that anyone in that company violated her rights under Title VII.

Because plaintiff's original complaint is not flawed by the absence of factual allegations sufficient to make out her claim under Title VII or to establish this court's jurisdiction, and because her "amendment to the pleadings" makes no necessary or proper change to the pleading, I will deny her leave to file the proposed amendment.

Accordingly, IT IS ORDERED that plaintiff's motion to amend her complaint with

the statements made in her May 26, 2003 submission is DENIED.

Entered this 2nd day of June, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge