

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

DONALD LEE PIPPIN, JR.
and SHANNON CHARLES STEINDORF,

Petitioners,

v.

MATTHEW FRANK, Sec. of WI DOC;
STEVE CASPERSON, DAI Admin.;
JUDY P. SMITH - Warden of Oshkosh
Correctional Institution;
JIM SCHWOCHERT, Security Director
at OSCI; and JAMES A. ZANON,
Program Supervisor at OSCI; TIM PIERCE,
ICE at OSCI; JENNIFER DELVAUX,
ICE at OSCI; LAWERNCE STAHOWIAK,
Registrar at OSCI; RUTH TRITT, Mail
Room Supervisor at OSCI; ALI FONTANA,
Center Director at OSCI; BROOKS FELDMANN,
Center Director at OSCI; ELIZABETH YOST,
Librarian/Notary at OSCI; TOM EDWARDS,
HSU Director at OSCI; DR. ROMAN KAPLAN,
Medical Doctor at OSCI; DR. ALEXANDER STOLARSKI,
Chief Psychologist at OSCI; JULIE (?), Main Kitchen
Supervisor at OSCI; CAPT. MATT JONES, Security/
Segregation at OSCI; CAPT. DERRINGER, 1st Shift
Security at OSCI; CAPT. SCHROEDER, 2nd Shift
Security at OSCI; LT. BUECHEL (?-sp), 1st Shift
Security at OSCI (accomp. Dr. A.S. on 4/20/04);
LT. KEN KELLER, Security/Segregation at OSCI;
LT. LINGER, 1st Shift Security at OSCI; LT. ROBERT

ORDER

04-C-582-C

BLECHL, 2nd Shift Security at OSCI (now Capt. and 1st Shift); LT. SCHNEIDER, 2nd Shift Security at OSCI; LT. BLOTCHER (?sp), 2nd Shift Security at OSCI (Female Lt. involved on 11/15/03); SGT. KOONEN, 1st Shift Sgt. P-Bldg. at OSCI; SGT. MONROE, 1st Shift Sgt. Seg. at OSCI; SGT. RASMUSON, 2nd Shift Sgt. P-Bldg. at OSCI; SGT. GILBERTSON, 3rd Shift Sgt. P-Bldg. at OSCI; CO PLATZ, 3rd Shift P-Bldg. at OSCI; CO S. DOMAN, 2nd Shift Utility at OSCI; CO RADKE, 3rd Shift Seg. at OSCI; CO SMITH, 3rd Shift Seg. at OSCI; CO WERNER, 1st Shift Seg./Hearing Transport Officer at OSCI; CO JENSEN, 1st Shift P-Bldg. (now U-Bldg) at OSCI; and CO CAROL COOK, Seg. Property Officer/Mail at OSCI;

Respondents.

This is a civil action brought by two inmates in the Wisconsin prison system. Petitioner Donald Lee Pippin, Jr. is confined at the Waupun Correctional Institution; petitioner Shannon Charles Steindorf is confined at the Green Bay Correctional Institution. In the complaint, petitioners allege “multiple incidents of events” constituting “hate crime activities and civil rights violations by members of the DOC.” The complaint, together with its attachments, is nearly 400 pages long.

In Lindell v. Litscher, 212 F. Supp. 2d 936 (W.D. Wis. 2002), I ruled that I would not allow prisoners proceeding pro se to prosecute a group complaint in this court because of the many problems inherent in administering such cases. First, there is no guarantee that

prisoners who bring joint lawsuits will remain in contact with each other for the length of time it takes a lawsuit to reach resolution. Prisoners are subject to administrative and disciplinary transfers from one institution to another and may be moved regularly within an institution from one cell block to another and to administrative and punitive segregation status. They have limited freedom, if any, to meet with co-plaintiffs to discuss strategy for a combined lawsuit or to draft documents jointly for filing in a case. That is already a problem in this case. The co-petitioners are housed in separate institutions.

Second, all too often one inmate takes charge of the multi-plaintiff lawsuit and obtains the agreement of other inmates to act on their behalf in prosecuting the joint lawsuit although he lacks the legal authority to do so. This is a circumstance petitioner Pippin admits to in a cover letter to the complaint where he states, “Mr. Pippin is Mr. Steindorf’s Power of Attorney and Father.” He explains his relationship to petitioner Steindorf further in his complaint under a section labeled “IV. Statement of Claim:

On July 23, 2003, Mr. Pippin and Mr. Steindorf signed an Agreement of Adoption. Mr. Steindorf has never known his biological father and Mr. Pippin has no children and had been looking to adopt a son. We meshed as Father and Son and only as Father and Son.” Mr. Pippin is openly gay and disabled. Mr. Steindorf is half Hispanic, completely heterosexual and partially disabled. He suffers from ADHD and is blind in his right eye.

That the petitioners agreed between themselves to an adult adoption arrangement does not give petitioner Pippin a legal right to act as petitioner Steindorf’s representative in this

action. Petitioner Pippin does not allege that he is a lawyer, and it unlikely from his circumstances that he has a valid license to practice law. As a pro se litigation, petitioner Pippin has a right to represent his own personal interests in a lawsuit and be subject to the risks of strategic or legal mistakes in prosecuting his lawsuit. He does not have the right to subject anyone else to those risks.

Third, Fed. R. Civ. P. 11 requires any person who files a lawsuit to certify by his signature that to the best of the signer's knowledge, information and belief formed after reasonable inquiry, the allegations of the complaint are well grounded in fact and the lawsuit is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law and that the filing of the complaint is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needlessly increase the cost of litigation. Although both co-petitioners in this case have signed their names to the last page of the complaint, it is not clear whether petitioner Steindorf actually saw and read the complaint he was signing. Whether each petitioner has a full copy of the complaint is particularly questionable here, where the complaint and its attachments and accompanying motions are almost 400 pages long, and each petitioner's trust fund account statement shows that both petitioners are making repeated use of legal loans from the state of Wisconsin to pay for their legal endeavors. This alone suggests strongly that petitioner Steindorf may not be fully informed about the case he is supposed to be prosecuting.

Fourth, for the pro se litigant who lets another inmate prosecute a joint action on his behalf, there is significant potential for adverse consequences. Under the 1996 Prison Litigation Reform Act, prisoners who file claims that lack legal merit or who sue defendants who are immune from suit are subject to the three-strike provision in 28 U.S.C. § 1915. In some instances, courts impose other sanctions on persons who bring lawsuits that lack merit. A pro se litigant who lets another inmate file a joint complaint for him may find himself denied the opportunity to file suits without prior payment of the full filing fee or subjected to monetary sanctions.

Finally, to the extent that a pro se prisoner litigant wishes to recover money damages for alleged unconstitutional practices or conditions, it does not help him to file his suit along with other prisoners. Each prisoner litigant claiming damages is required to prove his own damages independently. Joint filings concerning individual claims of injury only raise the costs of litigating the case and needlessly complicate its management.

Accordingly, I will dismiss petitioners' complaint without prejudice to each petitioner's filing his own separate lawsuit.

If petitioners choose to refile their complaints, I strongly suggest that they pay close attention to Fed. R. Civ. P. 8, which provides that a complaint should contain "(1) a short and plain statement of the grounds upon which the court's jurisdiction depends. . . , (2) a short and plain statement of the claim . . . , and (3) a demand for judgment for the relief the

pleader seeks." Petitioners do not need to submit documentary evidence in support of the claims made in the complaint. Such evidence is appropriate only in connection with motions requiring evidentiary submissions, such as a motion for summary judgment, or at trial. Nor does a petitioner need to submit legal argument in support of a complaint. Such argument may be appropriate in response to certain motions, such as a motion to dismiss, but it is entirely unnecessary as a part of the complaint. Finally, if petitioners intend to name dozens of proposed respondents, they should take particular care to describe their claims against each respondent in short and plain statements, saying no more than is necessary to explain what happened, where it happened, when it happened, who did it, and what he wants the court to do about it.

ORDER

IT IS ORDERED that this case is DISMISSED without prejudice to each petitioner's refiling the claims in his own lawsuit separate from this one.

Entered this 23rd day of January, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge