

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

DAVID S. FREDERICK,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF CORRECTIONS,
MATTHEW J. FRANK, BUREAU OF CLASSIFICATION
AND MOVEMENT, STEPHEN J. PUCKETT,
OSHKOSH CORRECTIONAL INSTITUTION,
MARGARET ALEXANDER, XYZ INSURANCE CO.,
ET. AL.,

Defendants.

ORDER

04-C-684-C

Plaintiff David S. Frederick, a prisoner at the Oshkosh Correctional Institution in Oshkosh, Wisconsin, filed a complaint on September 20, 2004, and paid the filing fee. In keeping with 28 U.S.C. § 1915A, I attempted to screen the complaint to determine whether it must be dismissed as legally frivolous, for failure to state a claim upon which relief may be granted or because plaintiff is suing a person who is immune from suit. However, I deemed the screening process impossible after finding that plaintiff's complaint comprises 185 paragraphs of largely unintelligible assertions. In an order dated October 13, 2004, I

advised plaintiff that it is his responsibility under Fed. R. Civ. P. 8 and 10 to limit his complaint to simple, concise and direct allegations of fact set out in numbered paragraphs and a short and plain statement of his claims. I told plaintiff I could not screen his complaint unless, on or before October 29, 2004, he filed an amended complaint that conforms to the rules.

On October 20, 2004, plaintiff submitted a document titled "Certified Motion of Advisement Pro Se," in which he acknowledged receipt of the October 13 order. This document, like plaintiff's complaint, is a rambling and disjointed dialogue of plaintiff's concerns. However, a close review reveals that plaintiff's law library privileges were withdrawn on September 9, 2004 for a period of sixty days, and that plaintiff wishes an extension of time to December 15, 2004, one week after his privileges are restored, in which to file a revised complaint. This request will be denied.

A complaint is not to contain legal argument. Its purpose is to explain in a short and clear way what the defendants did to make plaintiff believe his rights were violated and what relief plaintiff wants from the court. Plaintiff does not need a law library to conform his complaint to the rules of civil procedure. Nevertheless, because plaintiff appears to have delayed submission of his revised complaint beyond the October 29 deadline in the hope that his motion for more time would be granted, I will allow plaintiff a short extension of time in which to comply with the October 13 order.

ORDER

IT IS ORDERED that plaintiff may have until December 5, 2004, in which to submit a revised complaint that is in compliance with the Federal Rules of Civil Procedure. If plaintiff fails to submit a revised complaint by that date, the clerk of court is directed to enter judgment dismissing this case without prejudice to plaintiff's filing a new complaint at a later date.

Entered this 23rd day of November, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge