

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

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DONALD BUFORD,

Petitioner,

v.

JIM SUTTEN, M. ZALENSKI,  
R. KRUGER, SANDRA HENSLER,  
JANEL NICHEL, MR. SPANBERG,  
TIM DOUMA, PHIL KINGSTON,  
PAT SIEDSCHLAG, SGT. MORRIS,  
DR. MIKE VANDERBROOK, DR.  
CURT SCHWEBSKI and DR. WALSH,

Respondents.  
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ORDER

04-C-959-C

In an order dated December 29, 2004, I stayed a decision on petitioner Donald Buford's request for leave to proceed in forma pauperis in this action because petitioner's complaint violated Fed. R. Civ. P. 8 as submitted. I gave petitioner until January 14, 2005, in which to amend his complaint to 1) include a caption setting forth the names of all the persons he intends to sue; 2) remove the exhibits and eliminate the vague references to them in the body of the complaint; 3) set out his claims against each of the respondents in short and plain statements made in numbered paragraphs; and 4) identify the relief he wants from the court. I told petitioner that if he submitted a complaint that complies with Rule 8, I

would enter an order assessing him an initial partial payment of the filing fee as required under the 1996 Prison Litigation Reform Act. I advised petitioner as well that if he failed to submit a complaint in compliance with Rule 8, I would dismiss this case on the court's own motion.

Now petitioner has filed an amended complaint. The caption of the revised complaint makes clear who plaintiff is intending to sue. In addition, petitioner has described in detail what he wants in the way of relief. Plaintiff did not write out his allegations in separate numbered paragraphs. However, he has isolated his allegations against each individual respondent to make it clear what he believes each respondent has done to violate his constitutional rights. For the convenience of the parties and this court, I have had petitioner's allegations transcribed precisely as petitioner wrote them, except that I have separated the allegations into numbered paragraphs as Rule 8 requires. Finally, although petitioner submitted various documentary exhibits with his complaint, they appear to be copies of administrative grievances he filed with prison authorities on the matters raised in the complaint. These documents are not necessary to understand the claims raised in the complaint. Therefore, they will not be considered a part of the amended complaint. Instead, they will be held in the court's file where respondents may refer to them if they wish if petitioner is permitted to go forward on one or more of his claims.

As I told petitioner in the December 29 order, before I can screen the allegations of his complaint, he must pay an initial partial payment of the filing fee which has been

calculated from the trust fund account statement petitioner filed at the time he filed his original complaint. From petitioner's statement, I find that he must pay \$1.66 as an initial partial payment of the \$150 filing fee. If petitioner does not have the money to pay the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account.

#### ORDER

IT IS ORDERED that petitioner's amended complaint is accepted as the operative pleading in this action. The transcription of petitioner's allegations in the body of the complaint into typed text that has been separated into numbered paragraphs will be substituted for petitioner's handwritten text. A copy of the complaint with the substituted typed text is enclosed to petitioner with this order.

Further, IT IS ORDERED that petitioner is assessed \$1.66 as an initial partial payment of the \$150 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$1.66 on or before February 21, 2005. If, by February 21, 2005, petitioner fails to pay the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the

clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 31st day of January, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge