

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

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KURT W. MEYER,

Plaintiff,

v.

MARK TESLIK,

Defendant.

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ORDER

05-C-269-C

On May 26, 2005, I granted plaintiff Kurt W. Meyer leave to proceed in forma pauperis in this action against defendant Mark Teslik on plaintiff's claim that Teslik, the Chaplain at the New Lisbon Correctional Institution, deprived plaintiff of his right to practice his Native American religion between June 26, 2004 and October 1, 2004. I denied plaintiff leave to proceed against proposed defendants Catherine Farrey, John Ray and Richard Raemisch for two reasons. First, each of these persons affirmed plaintiff's inmate complaint concerning his inability to attend religious services. Nothing in plaintiff's factual allegations suggested that they had participated in denying plaintiff his right to practice his religion. Second, persons making recommendations for the disposition of inmate complaints are entitled to absolute immunity from suit. Tobin for Governor v. Illinois State Board of

Elections, 268 F.3d 517, 522 (7th Cir. 2001) (officials making recommendation entitled to immunity just as magistrate judge who makes recommendation to district court would be); Wilson v. Kelkhoff, 86 F.3d 1438, 1445 (7th Cir. 1996) (absolute immunity protects against both actual decision making and any act that is “part and parcel” of the decision making process).

Now plaintiff has filed a motion for leave to file an amended complaint. However, plaintiff has not submitted a proposed amended complaint with his motion that can replace the original complaint he filed. Instead, he has supported his motion with a document titled “Motion for Amended and Supplemental Pleadings,” which is part motion, part legal argument in support of the motion and part factual allegations that plaintiff would like to add to his complaint.

If plaintiff wishes to amend his complaint, he will have to file a proposed amended complaint that can stand on its own as the operative pleading in the case. In other words, plaintiff must submit an entirely new complaint that will take the place of the one previously filed. In the amended complaint, plaintiff must include all of the allegations made in the initial complaint. He should draw a line through the allegations that he no longer wishes the court to consider and highlight all new allegations that he is adding to the complaint. In addition, plaintiff should leave out of his complaint legal argument supporting his claims. He should simply tell the court 1) what each defendant did to make him believe that they

violated his rights under the constitutional or federal law and happened to make him believe his constitutional rights and 2) what he wants in the way of relief from this court. When the court screens plaintiff's proposed amended complaint, it must be very clear to the court which allegations in the amended complaint are new and which ones are old, as well as which ones plaintiff is dropping.

ORDER

IT IS ORDERED that plaintiff's motion to amend his complaint in this case is DENIED without prejudice to plaintiff's refiling his motion with a proposed amended complaint that conforms to the form of pleading described in this order.

Entered this 6th day of June, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge