

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

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MICHAEL HILL,

Plaintiff,

v.

STEVE ROBINSON, M. MOORE  
and MICHAEL KLAWITTER,

Defendants.  
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ORDER

05-C-347-C

Plaintiff Michael Hill is proceeding in this civil action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), on his claim that claim defendants violated his First Amendment rights by placing him in segregated confinement in mid-April, 2005, in retaliation for his pursuing an administrative grievance against defendant Klawitter. Now plaintiff has filed a motion to supplement his complaint, together with documents titled “Supplement to Original Complaint” and “Notice and Motion to Correct Supplemental Pleadings.” In the supplemental pleading, plaintiff reiterates his claim that he was retaliated against for filing a grievance against defendant Klawitter. In addition, he adds a new claim: that in January 2005, a knife was planted in his cell for which he received an incident report

and that “the set up for the knife was in retaliation for the civil complaint I filed against other defendants [in] case no. 04-C-732-C.”

Plaintiff’s claim that a knife was planted in his cell in retaliation for his having filed case no. 04-C-732-C is not appropriately raised in a supplemental pleading in this action. Supplemental pleadings are proper to describe “transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented.” Fed. R. Civ. P. 15(d). The incident giving rise to plaintiff’s new claim of retaliation occurred well before plaintiff filed this lawsuit on June 13, 2005. If plaintiff wants to file a new lawsuit raising a claim of retaliation for his having filed case no. 04-C-732-C, he will have to do so in a lawsuit separate from this one.

Because I am denying plaintiff’s motion to supplement, his “Notice and Motion to Correct Supplemental Pleadings” is moot.

#### ORDER

IT IS ORDERED that plaintiff’s motion to supplement his complaint in this case to raise a new claim of retaliation is DENIED and his “Notice and Motion to Correct

Supplemental Pleadings” is DENIED as moot.

Entered this 12th day of August, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge