

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

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ROGER DALE GODWIN,

Plaintiff,

v.

JIM SUTTON and MATTHEW FRANKS,

Defendants.  
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MEMORANDUM

05-C-493-C

In an order dated September 12, 2005, I granted plaintiff Roger Dale Godwin leave to proceed on his claim that defendants Jim Sutton and Matthew Frank violated his rights under the Eighth Amendment by failing to protect him from a sexual assault on June 18, 2005. In that same order, I told plaintiff that it is his responsibility for the remainder of this lawsuit to send defendants a copy of every paper or document that he files with the court until he learns the name of the lawyer who will be representing the defendants, at which time he must begin serving the lawyer directly rather than defendants. I told plaintiff that the court would disregard any documents he submitted unless he showed on the court's copy that he had sent a copy to defendants or defendants' attorney.

Now plaintiff has filed a letter dated September 11, 2005, to which he has attached

various documents, including documentation of his use of the inmate complaint review system on topics that may relate to the claim raised in this lawsuit. There is no indication that plaintiff mailed a copy of his letter and accompanying papers to defendants. Therefore, they cannot be considered. In any event, it is not necessary or appropriate for a plaintiff to submit evidentiary materials or documentation of his exhaustion efforts with his complaint. The complaint is to be simple, concise and direct, alleging only those facts necessary to advise the court what happened, who did it and what the plaintiff wants the court to do about it. Fed. R. Civ. P. 8. Plaintiff's complaint complied with Rule 8. If he has evidentiary materials to support his claim, he is free to submit his evidence at a later time in connection with a proper motion, such as a motion for summary judgment. Therefore, I am returning plaintiff's submissions to him with a copy of this memorandum.

Entered this 21st day of September, 2005.

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