

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

RONALD PARKS,

Plaintiff,

v.

MEMORANDUM and ORDER
05-C-558-S

KING COUNTY DEPARTMENT OF CORRECTIONS,
KING COUNTY SHERIFF'S DEPARTMENT,
DANE COUNTY DEPARTMENT OF CORRECTIONS and
DANE COUNTY SHERIFF'S DEPARTMENT,

Defendants.

The above entitled action was transferred to this Court from the United States District Court for the Northern District of Illinois. In his complaint plaintiff alleges that he was denied his medication for Multiple Sclerosis when he was in the defendants' custody.

On October 4, 2005 defendants King County Department of Corrections and King County Sheriff's department moved to dismiss plaintiff's complaint against them for lack of personal jurisdiction. According to this Court's October 17, 2005 Preliminary Pretrial conference order plaintiff's response was to be filed not later than October 24, 2005 and has not been filed to date.

FACTS

For purposes of deciding the motion to dismiss the facts as alleged in plaintiff's complaint are taken as true.

Plaintiff is a citizen of the State of Illinois. He was involved in an accident in Auburn, Washington on February 24, 2004. He sustained a flare-up of his Multiple Sclerosis. Plaintiff was taken into custody by defendant King County Sheriff's Department and King County Department of Corrections in the State of Washington because of an outstanding State of Wisconsin warrant. He was denied his prescription medication.

MEMORANDUM

Defendants King County Department of Corrections and Dane County Sheriff's Department move to dismiss for lack of personal jurisdiction. Whether this Court has personal jurisdiction over these defendant is a two-part inquiry. This Court has personal jurisdiction over the defendant where Wisconsin's long arm statute would subject defendants to personal jurisdiction in the state of Wisconsin. Steel Warehouse of Wisconsin Inc. V. Leach, 154 F.3d 712, 714 (7th Cir. 1998). A defendant will be subject to general jurisdiction where he is domiciled in Wisconsin or has continuous and systematic contacts with the State. Wis. Stat. § 801.05(1). Specific jurisdiction lies where the litigation arose from the contact between the defendant and Wisconsin. Wis. Stat. § 801.05(2)-(12).

The King County Defendants are not domiciled in Wisconsin. Further, they do not have any continuous and systematic contact with

the State of Wisconsin. The State of Wisconsin would not have general jurisdiction over these defendants.

This litigation arises from said defendants denying plaintiff his medication in the State of Washington. The litigation does not arise from any contact between these defendants and the State of Wisconsin. Accordingly, Wisconsin would not have specific personal jurisdiction of these defendants.

Since plaintiff has not shown that Wisconsin could exert personal jurisdiction over the defendants, the Court need not reach the second part of the inquiry, whether exercising jurisdiction would violate federal due process. The Court, however, notes that the exercise of jurisdiction over these defendants would violate due process because they have not purposely established minimum contacts with Wisconsin. Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985).

This Court lacks personal jurisdiction over defendants King County Department of Corrections and the King County Sheriff's Department. Accordingly, their motion to dismiss will be granted.

ORDER

IT IS ORDERED that the motion of defendants King County Department of Corrections and King County Sheriff's Department is GRANTED.

Entered this 31st day of October, 2005.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge