

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

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DIONNY L. REYNOLDS,

Plaintiff,

MEMORANDUM

v.

05-C-560-C

DAVID A. CLARKE, Sheriff,

Defendant.  
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Plaintiff Dionny Reynolds is a prisoner at the Milwaukee County Jail. In an order dated November 2, 2005, I granted him leave to proceed in forma pauperis on his claim that defendant Sheriff Clarke is violating his First Amendment rights by implementing a policy that allows mail room handlers to open privileged mail outside his presence. I denied plaintiff leave to proceed on claims that his detention in the jail's maximum protective custody unit violated his right to due process and that the conditions in the maximum protective custody unit are so harsh as to violate the Eighth Amendment's prohibition against cruel and unusual punishment. Finally, I denied plaintiff leave to proceed on a claim that his detention in the protective custody unit violates his equal protection rights because he is being denied the rights and privileges of persons who are detained in the general

population of the prison. Now plaintiff has filed a document titled “Amended Complaint,” and a letter in which he asks for reconsideration of the decision to deny him leave to proceed on his claim of “unjust confinement in segregation.”

When a plaintiff submits material to the court before he knows the name of the lawyer for the defendant, it is his responsibility to send a copy of his submission to the defendant himself and show on the court’s copy that he had done so. In this case, plaintiff has filed his “amended complaint” and motion for reconsideration before the defendant’s lawyer has entered an appearance. Plaintiff does not indicate on his submissions that he has sent a copy to the defendant. Therefore, his submissions cannot be considered.

For plaintiff’s information, if he wants to amend his complaint, he should know that his amended complaint, if it is allowed, will completely replace the original complaint. Therefore, it must contain all of the allegations of the original complaint that plaintiff wishes to keep and omit all of the allegations he wishes to remove. It must be very clear to the court exactly what changes plaintiff wants made to his original complaint. For this reason, this court requires pro se litigants who want to amend a pleading to draw a line through all allegations of the original complaint that he wants removed and highlight all the allegations that are new.

Because plaintiff has not submitted a proposed amended complaint that could replace the original complaint and because he has not served the defendant with his submission, I

am placing his “amended complaint” in the court’s file but will give it no consideration. If plaintiff wishes to pursue changes to his original complaint, he is free to file a proposed amended complaint in the format described above that has been served on the defendant or the defendant’s lawyer. If he does so, I will screen the amended pleading pursuant to 28 U.S.C. § 1915A, in the same manner that plaintiff’s original complaint was screened.

Entered this 29th day of December, 2005.

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