

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

CANYON A. THIXTON,

Plaintiff,

ORDER

v.

05-C-620-C

GERALD BERGE (in his individual capacity);
JON LITSCHER (in his individual capacity);
OFFICER ESSER (in his individual capacity); and
OFFICER LINJER (in his individual capacity),

Defendants.

In light of plaintiff's counsel's representation that the addition of defendants Hompe and Kool in their proposed fourth amended complaint will have no effect on plaintiff's ability to prepare to defend against a motion for summary judgment or meet any other deadline established in the magistrate judge's April 27, 2006 preliminary pretrial conference order, plaintiff's motion for leave to file a fourth amended complaint is GRANTED. Plaintiff is GRANTED leave to proceed in forma pauperis on his claim that defendants Hompe and Kool deprived him of personal hygiene items, bedding, a sink and toilet for a period of 58 days. The fourth amended complaint is now considered the operative pleading

in this case. Plaintiff is to arrange immediately for service of the fourth amended complaint on defendants Hompe and Kool. The existing defendants may elect to stand on their April 3rd response to plaintiff's third amended complaint as their response to the fourth amended complaint.

Entered this 22nd day of June, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge