

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

STEVE BURGESS,

Plaintiff,

v.

HELEN NELSON and STEVE WATTERS,

Defendant.

MEMORANDUM

05-C-716-C

This civil action was removed to this court from the Dane County Circuit Court pursuant to 28 U.S.C. § 1446. In his complaint, plaintiff, a patient at the Sand Ridge Secure Treatment Facility, challenges as unconstitutional the facility's smoking cessation plan.

Because he is a patient, plaintiff is not subject to the 1996 Prison Litigation Reform Act. Therefore, plaintiff's complaint does not require screening under 28 U.S.C. § 1915A. It appears from defendants' notice of removal that defendants were served with plaintiff's complaint on November 7, 2005. As soon as defendants file a responsive pleading to the

complaint, the court will schedule a preliminary pretrial conference to be held by telephone before United States Magistrate Judge Stephen Crocker.

Entered this 12th day of December, 2005.

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