

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

TITUS HENDERSON,

Plaintiff,

v.

MATTHEW FRANK; PETER HUIBREGTSE; BRIAN
KOOL; TRACEY GERBER; J. STARKY; RUSSELL
BAUSCH; ROBERT SHANNON; TODD OVERBO;
DICK VERHAGEN; and RICHARD
SCHNEITER

Defendants.

ORDER

06-C-12-C

In January 2006, petitioner Titus Henderson submitted a complaint in this case and asked for leave to proceed in forma pauperis. In an order dated March 6, 2006, I screened his complaint and allowed him to proceed on sixteen claims against the defendants whose names are reflected in the caption of this order. I dismissed as legally meritless twenty other claims and fourteen other proposed defendants, not counting defendants plaintiff had identified as John and Jane Does. Subsequently, plaintiff moved for reconsideration of the dismissal of a portion of his complaint. After carefully considering plaintiff's arguments, I denied his motion in an order dated March 21, 2006. Defendants have not yet answered

plaintiff's complaint. Now, however, plaintiff has filed a proposed amended complaint, together with a letter in which plaintiff states, "Find enclosed amended complaint to be filed in court. I request your recusal because you will be called as a witness concerning First Amendment claims in this case."

28 U.S.C. §455(b)(1) requires that a federal judge disqualify herself as the presiding officer in an action "where [s]he has a personal bias or prejudice concerning a party, *or personal knowledge of disputed evidentiary facts concerning the proceeding.*" (Emphasis added.) Plaintiff does not explain how I might be privy to evidentiary facts that may be disputed relating to his First Amendment claims. The only First Amendment claims on which he has been allowed to proceed are:

- 1) Defendants Gerber and Judith Huibregtse violated plaintiff's First Amendment rights by refusing to deliver a letter addressed to Elsa Greene on September 3, 2004;
- 2) Defendant Gerber violated plaintiff's First Amendment rights by refusing to deliver a letter addressed to Harold Stepper on May 25, 2005;
- 3) Defendants Gerber, Judith Huibregtse and Sgt. Grondin violated plaintiff's First Amendment rights by refusing to deliver a letter addressed to Kevin Potter on September 8, 2005; and
- 4) Defendant Kool violated plaintiff's First Amendment rights by informing Judith Huibregtse that plaintiff had filed a lawsuit against Kool at his parole hearing on

November 2, 2005.

I have no personal information pertaining to plaintiff's first three claims, and it is a matter of public record that plaintiff was litigating a lawsuit against defendant Kool and others before November 2, 2005. Because I have no information pertaining to plaintiff's First Amendment claims that is not already a matter of public record, I will deny plaintiff's request that I disqualify myself from presiding over this lawsuit.

Plaintiff's motion to amend his complaint also will be denied at this time. The proposed amended is made up of 78 pages and lists 30 defendants, many of whom were named in plaintiff's original complaint and dismissed from the action. Moreover, it appears that plaintiff may be reasserting some if not all of the claims I have already determined lacked legal merit, together with a new claim or allegation here and there.

Because he is a prisoner, every pleading that plaintiff submits must be screened. 28 U.S.C. § 1915A. The screening process can be extraordinarily time-consuming when prisoners submit voluminous pleadings with multiple claims, as plaintiff did in this case. District courts are vested with inherent authority to control their dockets and manage their own affairs to achieve orderly and expeditious disposition of cases. Moser v. Universal Engineering Corp., 11 F.3d 720 (7th Cir. 1993). Having given full and careful consideration to each of the many claims plaintiff raised in his original complaint, I am not willing to undertake a new and time-consuming review of a proposed amended complaint

that appears to contain claims that I have already found lack legal merit. Therefore, if plaintiff wishes to pursue a motion to amend, he will have to revise his proposed amended complaint to remove all of the allegations pertaining to claims and defendants I have already dismissed from this case. In addition, plaintiff will have to make clear the changes he wants to make to his original complaint with respect to those claims on which I have allowed him leave to proceed. He should do that by rewriting his original allegations and highlighting all new allegations he is inserting into the complaint with respect to each particular claim.

ORDER

IT IS ORDERED that plaintiff's motion for my disqualification in this action is DENIED.

Further, IT IS ORDERED that plaintiff's motion for leave to amend his complaint is DENIED without prejudice.

Entered this 13th day of April, 2006.

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