

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

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WENDELL DWAYNE O'NEAL
202 Honorway
Madison, Alabama 35758,

Plaintiff,

v.

TONY ATWAL, MARK F. ANDERSON,
LAWRENCE HAMMERLING and STATE
PUBLIC DEFENDER OFFICE,
2221 University Ave., Southeast
Suite 425
Minneapolis, MN 55414,
jointly and severally,

Defendants.

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DWAYNE W. O'NEAL
202 Honorway
Madison, Alabama 35758

Petitioner,

v.

UNKNOWN OAKLAND CIRCUIT JUDGE,
UNKNOWN OAKLAND ASST. PROSECUTOR,
OAKLAND PROSECUTORS' OFFICE,

MEMORANDUM

05-C-739-C

MEMORANDUM

06-C-35-C

COUNTY OF OAKLAND, MICHIGAN,
1200 N. Telegraph Road,
Pontiac, Michigan 48075, et. al.
CHUCK SALTER, HENNEPIN COUNTY
DISTRICT ATTORNEY OFFICE, COUNTY OF HENNEPIN,
JUDGE B. NORD, 4th Judicial District Court,
300 S., 6th Street, Minneapolis, Minnesota 55487,
individually & officially,

Respondents.

WENDELL DWAYNE O'NEAL,
202 Honorway
Madison, Alabama 35758,

Petitioner,

v.

UNKNOWN SUPERAMERICA EMPLOYEES,
38th & Freemont Ave., Minneapolis, Mn.,
TWO UNKNOWN MINNEAPOLIS
POLICE OFFICERS, MINNEAPOLIS
POLICE DEPT., CITY OF MINNEAPOLIS,
Minneapolis, Minnesota, 55401,
UNKNOWN HENNEPIN COUNTY
ASST. D.A., HENNEPIN COUNTY D.A. OFFICE.
Gov. Centre, 300 S., 6th Street, Minneapolis,
Minnesota, UNKNOWN HENNEPIN
COUNTY DEPUTY SHERIFF, HENNEPIN
COUNTY SHERIFFS DEPT., COUNTY OF
HENNEPIN, Minneapolis, Mn., Jointly/Severally/
Officially, as Agents/Agencies/Municipalities,

Respondents.

MEMORANDUM

06-C-40-C

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Pro se plaintiff Wendell O’Neal requires this court’s attention, but not the kind of attention he desires. In mid-December, he filed the first of three lawsuits filed to date, case no. 05-C-739-C, and asked for leave to proceed in forma pauperis. Within a few days, he filed a supplement to his proposed complaint. The court reviewed the original complaint together with the supplement and, on January 13, 2006, granted plaintiff leave to proceed on one claim and dismissed the rest of his claims. On that same day, plaintiff filed a new complaint, case no. 06-C-35-C, together with a request for leave to proceed in forma pauperis. On January 18, 2006, plaintiff moved for reconsideration of the January 13 order in case no. 05-C-739-C. The next day, January 19, plaintiff filed a proposed amended complaint in 05-C-739-C. The next day, January 20, 2006, plaintiff filed a third complaint (assigned case no. 06-C-40-C), together with a motion for a preliminary injunction and a request for leave to proceed in forma pauperis. On January 23, 2006, plaintiff filed a proposed amended complaint in case no. 06-C-40-C, and an amended motion for preliminary injunction. Also on that day, plaintiff filed documents he wanted the court to consider as “exhibits” to his proposed amended complaint in case no. 05-C-739-C. Two days later, on January 25, 2006, plaintiff filed a proposed amended complaint in case no. 06-C-35-C. On January 27, 2006, he filed proposed “exhibits” to be attached to his amended motion for preliminary injunction in case no. 06-C-40-C. Finally, on January 30,

2006, plaintiff filed a motion asking that the court consolidate case no. 05-C-739-C with case no. 06-C-40-C.

In addition to peppering this court with paper, plaintiff is now telephoning the court two to three times a day by telephone, asking whether papers he filed perhaps an hour earlier were routed to chambers, asking to be allowed to speak to chambers staff to verify that his filings have been received and, more recently, asking that the deputy clerk count the number of pages in a particular submission to insure that the document has not been altered by court staff.

Part of a judge's responsibility is to see that the court's resources are allocated in a way that promotes the interests of justice. In re McDonald, 489 U.S. 180, 184 (1989); Chambers v. NASCO, Inc., 501 U.S. 32, 44-45 (1991)(federal court's inherent powers include "the ability to fashion an appropriate sanction for conduct which abuses the judicial process"). Every paper plaintiff files, every visit he makes to the clerk's office and every phone call he places requires allocation of some portion of the court's limited resources. Moreover, the court cannot even begin to assess the merits of his various motions, pleadings or amended pleadings until it is clear he has stopped changing them.

Therefore, I will take no further action on plaintiff's submissions in his three cases until I am

assured that he has finished filing preliminary documents.¹ In particular, I will delay consideration of plaintiff's motions and his requests for leave to proceed in forma pauperis in his two new actions until at least two weeks have passed without plaintiff filing additional materials in those cases.

As for plaintiff's many calls to the clerk's office to learn the status of his motions and pleadings, I can assure plaintiff that the persons who work in the office of the clerk are

¹The assertions in plaintiff's amended motion for a preliminary injunction in case no. 06-C-40-C are so broad and implausible that they do not merit briefing or any other emergency treatment. Plaintiff contends that the defendants, unknown SuperAmerica employees, police officers and the police department in Minneapolis, as well as Hennepin County, Minnesota employees, including the district attorney and the entire sheriff's department, are "knowingly and maliciously engaged . . . in multiplicity of acts designed to deny his civil rights . . . by means of causing false arrests, detentions, robbery by law enforcement agents, drugging and chemical assault otherwise through employment of private parties, a barrage of financial assaults and creation of conditions or circumstances of distress" Plaintiff describes the "Exhibits" to the motion (which are unauthenticated and therefore inadmissible) as

1. 11 Jan 06, City of St. Paul, MN letter alleging ambulance debt; 29 Jan 06, plaintiff's response;
2. 27 Oct 05, MN Disability determination Brd. no decision notice;
3. 09 Jan 06, Supreme Court response letter for denial of court file, A05-2330; A05-2333;
4. 21 Dec 05 City St. Paul letter denying internal affairs investigation request; 29 Jan 06, Plaintiff's response; and
5. 29 Jan 06, plaintiff's letter to SSA counsel, regarding 27 Oct 05 Fed. Civil Case Matter related to claims before herein court, governmental assaults.

None of these submissions appear to be sufficient to satisfy the burden a movant for a preliminary injunction must meet. See Procedure to be Followed on Motions for Injunctive Relief, a copy of which is attached to this order.

responsible employees of the court who take their professional duties seriously. They treat plaintiff's submissions like those of all litigants in this court, processing them as promptly as possible in the same form as they have been submitted.

Finally, I note that plaintiff may be calling and visiting the court to learn the status of his cases more frequently than most litigants because the address he has given the court is not an address at which he can possibly receive the court's responses promptly. Presently, plaintiff shows his address as 202 Honorway, Madison, Alabama, but he is obviously not in Alabama. He is here in Madison, visiting the courthouse on a regular basis. If plaintiff has a Madison, Wisconsin address, he must provide it to the clerk of this court so that it may be entered on the court's docket of each of his cases. If he does not have a Madison address, then he should so advise this court so that other arrangements may be made to insure that he is receiving the documents the court is mailing to him.

Entered this 2nd day of February, 2006.

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