

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

JOHNSON W. GREYBUFFALO,
#229871,

Plaintiff,

v.

ORDER

06-C-504-C

PHIL KINGSTON, in his individual and
official capacities as Warden of Waupun
Correctional Institution;
BRUCE MURASKI, in his individual and
official capacities;
C. CLOUGH, in her individual and
official capacities;
CORRECTIONAL OFFICER BRET MIERZEJEWSKI,
in his individual and official capacities; and
WILLIAM SCHULTZ, in his individual
and official capacities,

Defendants.

In an order dated October 20, 2006, I allowed plaintiff Johnson Greybuffalo to proceed on a claim that defendants violated his right to free speech by confiscating documents and disciplining him because the documents contained references to the American Indian Movement and the Warrior Society. However, I stayed a decision on his

claim that defendants' actions also violated his rights under the free exercise clause and the Religious Land Use and Institutionalized Persons Act because plaintiff had not included enough information in his complaint to allow a determination whether these claims were viable. I gave plaintiff until November 6, 2006, in which to file an addendum to his complaint that would include allegations on the following subjects:

- (1) the content of the documents that were confiscated from him;
- (2) whether plaintiff used these documents in practicing his religion and, if so, how he used them; and
- (3) the effect that taking the documents away had on his ability to practice his religion, if any.

I told plaintiff that if he did not file an addendum with the court by November 6, I would dismiss these claims.

Plaintiff has neither filed an addendum with the court nor moved for more time in which to file one. Accordingly, plaintiff's claims that defendants Kingston, Muraski, Clough, Schultz and Mierzejewski violated his rights under the free exercise clause and Religious Land Use and Institutionalized Persons Act are DISMISSED for failure to prosecute.

In the October 20 order, I told plaintiff to refrain from serving his complaint until this issue had been resolved. Plaintiff is now responsible for serving his complaint upon defendants Kingston, Muraski, Clough, Schultz and Mierzejewski. A memorandum

describing the procedure to be followed in serving a complaint on individuals in a federal lawsuit is attached to this order, along with the extra copies of plaintiff's complaint he filed with the court and necessary forms for obtaining from defendants a waiver of service of summons.

Entered this 17th day of November, 2006.

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