

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

PATRICK J. FITZGERALD,

Plaintiff,

v.

MEMORANDUM
07-C-61-C

JAMES GREER, Health Services Administration WDOC;
HELEN NELSON, Health Services Administrator WDOC;
STEVE CASPERSON, Admin Div of Adult Institutions WDOC;
TIMOTHY CORRELL, MD, Dodge Correctional Institution;
DEB LEMKE, MD, Oshkosh Correctional Institution;
ROMAN Y KAPLAN, Health Services Unit, WDOC/OSCI;
NANCY BOWENS, Nurse Practitioner WDOC/OSCI; and
JENNIFER DELVAUX, Inmate Complaint Examiner, WDOC/OSCI,

Defendants.

In an order dated March 26, 2007, I screened plaintiff's complaint in this case and granted him leave to proceed on his claims that

1) between April 4, 2005 and June 20, 2005, defendant Timothy Correll failed to treat his medical conditions, deliberately causing plaintiff months of irregular heartbeat and severe pain, in violation of the Eighth Amendment;

2. beginning in January, 2006, to the present, defendants Roman Kaplan and Nancy Bowens disregarded plaintiff's pleas for increased pain medication for the purpose of causing

him to suffer needlessly;

3. defendants Jennifer Delvaux, Casperson, Nelson and Greer turned a blind eye to plaintiff's pleas for intervention to obtain proper medical assistance; and

4. defendant Deb Lemke deliberately cancelled an appointment plaintiff had to discuss his pain and isolated him with an inmate with a contagious skin disease in retaliation for his having filed a supervisory writ in state court.

In the same order, I dismissed several other claims and defendants.

Now the court has received a letter from plaintiff that is also dated March 26, 2007, which appears to have crossed in the mail with the court's screening order. In his letter, plaintiff asks whether the court will grant him permission to amend his complaint "with further allegations that are rather serious that have to do with harassment and retaliation that has an officer being investigated and reprimanded." In addition, plaintiff appears to want to add new claims of "medical gross negligence."

This court will not allow plaintiff to amend his complaint to add claims of retaliation for his having filed this lawsuit. If plaintiff sincerely believes that one or more individuals are retaliating against him for filing this lawsuit, such a claim must be raised in a lawsuit separate from this one. This is because allowing ongoing claims of retaliation to be added to a lawsuit as the lawsuit progresses could result in a lawsuit's life being extended indefinitely. It is much less complicated as well as more efficient to deal with the original

claims in one lawsuit and subsequent retaliation claims in a separate lawsuit.

As for plaintiff's "new claims" of deliberate indifference to his serious medical needs, plaintiff should bear in mind that he does not need to amend his complaint to include proof that he remains without his pain medication. Now that he has been allowed to proceed on this claim, he needs only to gather his evidence and submit it to the court in connection with a properly filed motion for preliminary injunction, motion for summary judgment or at trial.

In his letter, plaintiff asks that this court send him a copy of the docket sheet in his case. A copy of the docket sheet is enclosed.

Entered this 2nd day of April, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge