

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

STEPHEN WENDELL JONES,

Plaintiff,

v.

SECRETARY M. FRANK, WDOC,
in his official capacity;
WARDEN R. SCHNEITER, WSPF;
G. BOUGHTON, a Security Director;
B. KOOL, a Unit Manager; and
P. HUIBREGTSE, Under Warden,

Defendants.

ORDER

07-C-141-C

Plaintiff has filed a motion for reconsideration of the June 1, 2007 order denying his third motion for a preliminary injunction. Plaintiff's motion consists primarily of protests that the court has enforced its procedures too strictly and failed to consider that he is proceeding without a lawyer and that his knowledge of the law is limited. However, in the June 1 order, I overlooked plaintiff's repeated failure to follow the procedures and considered his motion on the merits. I denied the motion because he had failed to adduce any evidence showing that he was currently at a risk of serious harm. (Plaintiff's underlying claim is that defendants are housing him where other dangerous prisoners are likely to harm him.)

Plaintiff's motion for reconsideration does not include any new evidence supporting his motion for a preliminary injunction or show that I erred in denying the motion for a

preliminary injunction. Accordingly, his motion for reconsideration will be denied.

I strongly encourage plaintiff to focus now on preparing his case for summary judgment and trial. In this regard, plaintiff is reminded that it is not enough for him to aver generally in an affidavit that the prison houses a large number of gang members or to list a number of prisoners who plaintiff believes pose a threat to him. Rather, to prove his claim plaintiff will have to come forward with specific evidence showing that he is being subjected to a substantial risk of serious harm. For example, if plaintiff believes that particular prisoners pose a danger to him, he must first show with admissible evidence *why* those prisoners are dangerous to him, in other words, what it is about them that makes them dangerous. Second, and equally important, plaintiff must show that, under his current housing conditions, those prisoners are *able* to harm him, for example, because he is forced to congregate with them. It is on this second point that plaintiff lacks any evidence currently. In addition, plaintiff will have to show that each defendant was aware of the risk of harm to him and refused to respond reasonably to the risk.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration is DENIED.

Entered this 18th day of June, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge