

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

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STEPHEN WENDELL JONES,

Plaintiff,

v.

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

Defendants.  
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ORDER

07-C-141-C

Plaintiff has filed two motions: (1) a motion to reconsider this court's August 13, 2007 order denying his motion for leave to file an amended complaint; and (2) a motion to place under seal exhibit nos. 101, 103, 105, 106, 107, 108, 109, 124, 149, 150 and 151.

Plaintiff's motion for reconsideration will be denied. I denied plaintiff's motion for leave to amend his complaint in part because he failed to file a document that could replace his original complaint. I told plaintiff that if he wished to amend his complaint, he would have to submit the proposed amended complaint in the following format: he should begin

with a duplicate copy of his original complaint. He must then draw a line through the allegations he wishes to delete and circle or highlight allegations he is adding to the complaint.

Plaintiff has not complied with this requirement, but he asks the court to accept his amended complaint anyway because he did not have a “duplicate” copy of his original complaint. The purpose of the requirement for amending complaints is to avoid the confusion that accompanies having multiple pleadings and to provide adequate notice to the court and the other parties of the changes being made to the complaint. I cannot overlook this requirement simply because plaintiff does not wish to make a copy of his complaint.

With respect to plaintiff’s second motion, plaintiff says that he needs various exhibits placed under seal because they include information that will place him at risk of serious harm if it is disseminated. It is not clear why plaintiff has waited as long as he has to seek to place these documents under seal (plaintiff filed some of these exhibits more than four months ago). Nevertheless, because plaintiff has represented that the documents contain sensitive information, I will grant his motion in part, but not in precisely the way he asks.

The exhibits plaintiff cites as containing sensitive information were not filed individually but as part of sets of exhibits that he has filed at various times throughout the case. Plaintiff may not place individual documents under seal; this determination must be made with respect to each filing as a whole.

The bulk of plaintiff's exhibits (nos. 101-125 and 127) were attached to his complaint. The vast majority of these relate to exhaustion of administrative remedies and I did not consider them in screening plaintiff's complaint. At the conclusion of the screening order, I noted that I was returning the original copies of plaintiff's exhibits to him and that I had retained a photocopy of the documents only for the purpose of showing a precise record of what plaintiff had submitted originally to the court. The copies serve no other purpose. Because they are unauthenticated, they cannot be used as evidence at a later stage of these proceedings. Nevertheless, in light of plaintiff's present request to remove the documents from public view, I will ask the clerk to docket this packet of materials and place it under seal. As noted above, however, if plaintiff intends to introduce any of these documents into evidence at a later stage, he will have to produce the original documents already in his possession or authenticated copies of the same.

Plaintiff filed two other sets of exhibits so far. One set (dkt. #8) was filed with his motion for a preliminary injunction and another set (dkt. #27) was filed with his motion for leave to file an amended complaint. In addition, plaintiff attached several exhibits to his proposed amended complaint (dkt. #26).

Exhibit nos. 150 and 151 that plaintiff wishes to place under seal were attached to his proposed amended complaint. Accordingly, I will place both the complaint and the attached exhibits under seal. This addresses all of the exhibits plaintiff identifies with one

exception. I have been unable to locate an exhibit no. 149 in the record. It is not include in dkt. nos. 8, 26 or 27. If plaintiff believes he filed exhibit no. 149 with the court, he must identify when he filed it and to what it was attached. (I am enclosing a docket sheet to help plaintiff identify the appropriate entry.) In the future, if plaintiff files a document he wishes to be placed under seal, he should file a motion accompanying the document in which he asks that the document be sealed and explains his reasons for making the request.

#### ORDER

IT IS ORDERED that

1. Plaintiff's Stephen Wendell Jones's motion for reconsideration is DENIED.
2. Plaintiff's motion to place exhibits under seal is GRANTED IN PART. Plaintiff's proposed amended complaint and attached exhibit nos. 150-152 (dkt. #26) shall be placed under seal. The copies of exhibit nos. 101-125 and 127 attached to plaintiff's original complaint shall be docketed and placed under seal. Exhibit no. 149 will not be placed under

seal unless plaintiff is able to more clearly identify its location in the court's file.

Entered this 23d day of August, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge