

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

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CHAD BOUMAN,

Plaintiff,

v.

ORDER

07-C-367-C

STEVE ROBINSON, Unit Manager;
DANIEL SPROUL, Unit Manager;
MICHAEL JACOBS, Correctional Officer;
RICARDO MARTINEZ, Warden;
MICHAEL NALLEY, Regional Director, Federal Bureau of Prisons,
Kansas City, Kansas; and
HARRELL WATTS, Administrator, National
Inmate Appeals, Federal Bureau of Prisons,
Washington, D.C.,¹

Defendants.

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In an order dated August 29, 2007, I denied plaintiff's motion for leave to file a supplemental complaint in this action, because he appeared to want to amend rather than supplement the complaint and because he had not submitted a proposed amended complaint

¹The caption of plaintiff's complaint identified the defendants by the initials of their first names and their last names. In their motion for an enlargement of time to answer plaintiff's complaint, defendants are identified by their full names. Therefore, I have amended the caption accordingly.

with his motion. I told plaintiff that if he intended to refile his motion as one to amend his complaint, the motion would have to be accompanied by a proposed amended complaint in a specific format. In particular, I told plaintiff that because an amended complaint replaces the original complaint, he would have to rewrite his original complaint so that it contains all of his original allegations, in addition to any new allegations he was making. I told him that he was to underscore or highlight all of his new allegations and put a line through allegations he wanted to omit.

Now plaintiff has filed a motion to amend and a proposed amended complaint. However, plaintiff has not formatted his proposed amended complaint as he was instructed to do. In the caption of his proposed amended complaint, plaintiff has named one defendant that was dismissed in this court's original screening order, and two new defendants. His original complaint contained two causes of action. His proposed amended complaint alleges seven causes of action. His original complaint contained 28 numbered paragraphs. His proposed amended complaint contains 41. Nothing is underscored except one short sentence on page 7 of the proposed amended complaint. Nothing is highlighted, and nothing is crossed out.

The purpose of the requirement that a pro se prisoner plaintiff clearly identify the changes he wants to make to his complaint is to conserve limited judicial resources. Every complaint filed by a prisoner requires screening under 28 U.S.C. § 1915A, including

proposed amended complaints. It is an inefficient use of the court's time to be required to search line by line and word for word through an amended complaint in an attempt to identify new factual allegations and claims among the factual allegations and claims it has already screened. Because plaintiff has not made it clear to the court which allegations in his complaint are new and which, if any, he is omitting, I will deny his motion to amend without prejudice.

ORDER

IT IS ORDERED that plaintiff's motion to amend his complaint is DENIED without prejudice to his filing a new proposed amended complaint that is formatted in accordance with this court's procedures.

Entered this 18th day of October, 2007.

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