

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

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IVORY WADE,

Plaintiff,

MEMORANDUM

07-C-462-C

v.

DR. CASTILLO, Psychiatrist,

Defendant.

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On September 11, 2007, I granted plaintiff Ivory Wade leave to proceed in forma pauperis on his claims that defendant Castillo violated his Eighth Amendment rights and state law when he was deliberately indifferent to plaintiff's need for mental health care treatment or negligent in his care and treatment of plaintiff. A copy of plaintiff's complaint has been sent to the Attorney General for service on defendant Castillo pursuant to an informal service agreement between the Attorney General and this court. Now, however, plaintiff has submitted a packet of photocopied and hand-written documents with a cover letter stating, "I am providing the courts the following four elements: (1) a breach of (2) a duty owed (3) that results in (4) injury or injuries, or damages." The clerk has docketed the

packet as a “response to 9/11/07 court order on leave to proceed.” However, plaintiff has not been directed to respond to the September 11 order. Instead, plaintiff’s submission appears to be intended as evidence to prove his state law claim of negligence.

Plaintiff’s complaint included sufficient allegations to permit him to proceed in forma pauperis on his claims against defendant Castillo. It is neither necessary nor desirable for him to add exhibits to his complaint or otherwise supplement the record with documentary evidence at this time. The proper time to submit evidence is on a motion for summary judgment or at trial. Because it is far too soon in this lawsuit for any party to move for summary judgment or for a trial to be held, plaintiff’s documentary submissions are premature. Therefore, I am making a copy of the documents for record purposes only and am returning the original copies of plaintiff’s documents to him for his later use.

Entered this 19th day of September, 2007.

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