

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

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CHARLES LAMONT NORWOOD,

Plaintiff,

v.

MEMORANDUM

07-cv-624-bbc

DYLON RADTKE, Correctional Officer at C.C.I.;  
GREG GRAMS, Warden at C.C.I.;  
AMY MILLARD, Complaint Examiner;  
TOM GOZINSKE, Complaint Examiner;  
AMY SMITH, Office of Secretary at Dept. of Corrections; and  
Psychologist ANDREA NELSON,

Defendants.  
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Judgment was entered in this case on September 17, 2008, after I granted defendants' motion for summary judgment. Plaintiff, a prisoner at the Waupun Correctional Institution, alleged that defendants were subjecting him to a substantial risk of serious harm by housing him near other prisoners who were harassing and threatening him, but he failed to adduce any specific evidence that he was in danger. In particular, he did not "describe any of the alleged threats that were made to him, the context in which the threats were made or any other facts from which a jury could infer reasonably that he faced a substantial risk of serious harm." Dkt. #59, at 3.

Plaintiff has filed an untitled document in which he says that defendants are reneging

on a promise to “assig[n] [him] to a single cell” and keep him separated from 13 different prisoners. In particular, plaintiff says that the security director has removed the separation restrictions and has given him a “clinical red tag” rather than a “security red tag,” a distinction plaintiff does not explain. Dkt. #69.

Plaintiff seems to be referring to an affidavit filed by the security director in this case on March 13, 2008, in response to plaintiff’s motion for a preliminary injunction. Dkt. #31. In that affidavit, the security director informed the court that clinical staff had “issued a Clinical Restriction Notification form restricting Mr. Norwood to a single cell” and that “Special Placement of Offender forms” were being completed so that plaintiff could remain separated from 13 prisoners he alleged were dangerous. Id. at ¶¶ 5-7. Those forms were valid through November 24, 2008. Id. at ¶ 7.

To the extent plaintiff is seeking relief from this court, I cannot grant it. Plaintiff seems to believe that the court ordered defendants to take specific measures to protect him, but that is not the case. I canceled the evidentiary hearing scheduled for plaintiff’s motion for a preliminary injunction after the security director filed the affidavit because it addressed plaintiff’s immediate concerns, but I never held or implied that any actions described in the affidavit were constitutionally required. Dkt. #33. In fact, I later concluded that plaintiff was entitled to no relief when I granted defendants’ motion for summary judgment.

Even if I concluded that the security director’s affidavit was a promise to plaintiff that could be enforced in his court, plaintiff has not shown that the promise has been broken.

The security director said nothing about a “security red tag”; rather, clinical staff issued plaintiff a “Clinical Restriction” for a single cell. Presumably, that is the “clinical red tag” that plaintiff is complaining about now. Further, the affidavit makes it clear that the separation order would expire in November 2008; plaintiff was not guaranteed a permanent separation from the 13 prisoners. If plaintiff believes that he is being subjected to a substantial risk of serious harm and prison officials are failing to protect him, he must file a new lawsuit, after exhausting his administrative remedies.

Entered this 13th day of April, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge