

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

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JACKIE CARTER,

Petitioner,

ORDER

v.

07-cv-713-bbc

MATHEW FRANKS, D.O.C. Secretary,  
WILLIAM I. POLLARD, Warden, PETER  
I. ERICKSEN, Security Director, LT. MARK W.  
LESATZ, Property Supervisor, LT. CATHARINE  
CAFÉ, Hearing Officer, KEVIN R. POSTL,  
Property and Mail Sergeant, TIMOTHY HUCK,  
Mail and Property Sergeant, WILLIAM  
SWIEKATOWSKI, Segregation P.A. Program  
Supervisor, MARK STOTLEEN, Hearing Officer,  
DONNA LIEBERGEN, Complaint Examiner,  
MICHAEL MOHR, Complaint Examiner,  
KATHLEEN BIERKE, Complaint Examiner,  
MICHAEL BAENEN, Deputy Warden, RICK  
RAEMISCH, Complaint Examiner, JOHN RAY,  
Complaint Examiner, SARA COOPER, Unit  
Manager (of Segregation Unit), C.O.  
BUTTERFIELD, C.O. LISCHBA, C.O. KELM,  
C.O. BOBOLZ, C.O. POTTS, SGT. KAPHINGST,  
SGT. MS. LAMBRECHT-STEVENSON, C.O. TILOT,  
C.O. KLARKOWSKI, KATHY LEMENS, Nurse,  
JEANNANNE GREENWOOD, Health Service  
Manager, CAPT. JEFFREY STELLINGS, Hearing  
Officer, JACK DORUFF, Educational Director,  
MARK KULIEKE, Librarian, JUDY DINSE,  
Secretary, MS LAGARE, Psychologist, MR.  
SCHMIDT, Psychiatrist, RICHARD HEIDORN,

M.D./Physician, JODENE PERTTU, JEAN LUTSEY,  
Segregation Nurse, JAMIE WERTEL, Medical  
Program Assistant (M.P.A.), ROBERT MCQUEENY,  
Psychiatrist, JAMES RICHTER, Psychiatrist, JAMES  
GREER, Bureau of Health Services Director, CYNTHIA  
THORPE, Bureau of Health Services (Nurse Coordinator),  
C.O. CARRIERE, (Segregation Sergeant), C.O.  
PETERSON, DIANE LONGSINE, MARILYN  
VANDUKENTER, Nurse, MARK S. ZEMONICK,  
Segregation Social Worker, JODY PORTER,  
Segregation PA, C.O. LADE, C.O. COOPMAN,  
NURSE DANA TOWNSEND, GREGORY  
GRAMS, Warden, PHIL KINGSTON, Warden  
and MARC CLEMENTS, Security Director,

Respondents.

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In an order dated April 30, 2008, I allowed petitioner until May 21, 2008 in which to file an amended complaint that conformed with the requirements of Fed. R. Civ. P. 8. In the order, I told petitioner that in order to comply with Rule 8, he had to explain what each respondent did, when the respondent did it and what injury petitioner suffered as a result of the deed. I told him that it is not enough to assert generally that the individuals are involved in a conspiracy against him. Finally, I advised him that if he failed in his second attempt to amend his complaint to comply with Rule 8, I would dismiss this case in its entirety with prejudice.

Now petitioner has filed a proposed second amended complaint. Unfortunately, this newest complaint is as unwieldy and defective as the two earlier proposed complaints. It

does not pass muster under Fed. R. Civ. P. 8.

The allegations of fact in petitioner's proposed second amended complaint begin on this court's complaint forms, and continue with an additional 53 pages of dialog citing 59 pages of exhibits, including letters to prison employees, conduct reports and a 31-page inmate complaint history spanning four different prisons over the last ten years. In the caption of the proposed second amended complaint, petitioner states in the space designed for listing the names of the defendants, "names on other sheets and original complaint." The first line of petitioner's amended complaint states: "There is a vast conspiracy with Wisconsin Correction prison dept." The next 53 pages are a rambling narrative of what has happened to him that still fails to give the respondents notice of what each one did. There are so many factual allegations in this disorganized complaint that it is impossible to discern what acts of which respondents are alleged to have violated which laws.

Courts are empowered to dismiss excessively wordy or confusing complaints when such complaints "make[] it difficult for the defendant to file a responsive pleading and make[] it difficult for the trial court to conduct orderly litigation." Vicom, Inc. v. Harbridge Merchant Servs., Inc., 20 F.3d 771, 775-76 (7th Cir. 1994). That is the case here. Petitioner's complaint is not objectionable merely because it is too long, but rather because its bulk and disjointedness make it impossible to answer. Petitioner's complaint combines a morass of factual allegations with over 50 respondents and a myriad of vague claims and fails to comply with the notice requirement of Rule 8. Accordingly, petitioner's proposed

second amended complaint will be dismissed with prejudice. Vicom, 20 F.3d at 776 (“[G]iven the fact that Vicom has already amended its complaint once, we think the district court should have given more serious consideration to dismissing Vicom’s amended complaint with prejudice” for violating Rule 8).

It is unfortunate that petitioner is unable to comply with Rule 8. It is clear to the court that he has tried his best to do so. Nevertheless, I do not believe that petitioner’s inability to commence a lawsuit renders him powerless. I have no doubt that plaintiff is suffering some form of physical or mental pain and that he has chosen to believe that prison officials are responsible for his pain. However, from the collection of petitioner's writings to this court, it seems highly unlikely that petitioner's pain is something this court can prevent or cure. It is my sincere hope that he is able to find solutions for his pain by utilizing other resources available to him at the institution, namely medical services, social services or mental health services.

#### ORDER

IT IS ORDERED that the second amended complaint of petitioner Jackie Carter is

DISMISSED with prejudice. The clerk of court is directed to close this case.

Entered this 4<sup>th</sup> day of June, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge