

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

TITUS HENDERSON,

Plaintiff,

v.

ORDER

08-cv-390-bbc

RICK RAEMISCH, PETER HUIBREGTSE,
MARK HEISE, KEVIN KALLAS, JOHN BETT,
KATHRYN ANDERSON, HELEN KENNEBECK,
TOM GOZINKI, WELCOME ROSE, JOHN & JANE
DOES, MONICA HORNER, GARY BOUGHTON,
DAVID GARDNER, VICKI SEBASTIAN, ROBERT
HABLE, SARAH MASON, BRIAN KOOL, LESLIE
ROWN, CAPT. JENNIFER GERL, CAPT. GILBERGE,
SGT. ROBINSON, THOMAS TAYLOR, MATTHEW
SCULLION, DANA ESSER, SGT. COOK, CAPT. SHARPE,
CO II WETTER, CO CAYA, JOANI SHANNON-SHARPE,
DR. RUBIN-ASCH, DR. STACEY HOEM, TRISHA
LANSING, SGT. KUSSMAUL, SGT. STOHELSON,
CO HULCE, J. HUIBREGTSE, DANIEL LEFFLER,
TRACEY GERBER and SGT. SICKINGER,

Defendants.

In a May 31, 2011 order, I concluded that plaintiff Titus Henderson's 50-page complaint violated Fed. R. Civ. P. 18 and 20. Plaintiff raised claims belonging in as many as five different lawsuits, listed below:

- Lawsuit #1: Various defendants have promulgated and enforced rules putting a "blanket ban" on plaintiff's First Amendment right to read or view books, magazines, maps, photographs and television stations.

- Lawsuit #2: Various defendants have denied plaintiff of his First Amendment right to send outgoing mail and make phone calls. Also, they have opened and censored privileged legal mail outside his presence.
- Lawsuit #3: Various defendants have promulgated racist rules and retaliated against plaintiff for filing grievances and providing legal assistance to other inmates by falsifying behavior logs, holding unfair hearings and punishing plaintiff. As a result, plaintiff has been kept in administrative solitary confinement indefinitely, punished improperly and denied parole.
- Lawsuit #4: Various defendants have violated plaintiff's Eighth Amendment right to adequate conditions of confinement by withholding adequate clothing for cold outdoor temperatures, food and cleaning supplies, exposing him to disease, mold and mentally ill inmates' loud noises and failing to treat his medical problems.
- Lawsuit #5: Various defendants have violated plaintiff's due process and equal protection rights by extending his mandatory release date without a hearing.

I gave plaintiff a chance to explain which of these cases he wished to pursue under this case number as well as explain whether he wished to pursue any of the other lawsuits. Instead, plaintiff has responded by filing (1) a supplement to the complaint adding even more allegations; (2) a proposed amended complaint very similar to his previous pleadings, only longer—this complaint clocks in at 60 pages and 274 numbered allegations; and (3) two motions for appointment of counsel.

I will deny plaintiff's motion to supplement his pleadings and his motion for leave to file an amended complaint because at this stage, the last thing plaintiff needs is to provide *more* allegations. Instead, what plaintiff needs to do is choose which of the above-numbered cases he wants to pursue, acknowledging the fact that he *cannot pursue them all in this case under this case number*. As I have told plaintiff, the federal rules of civil procedure prohibit him from submitting a complaint raising numerous unrelated claims against dozens of different

defendants.

Accordingly, I will give plaintiff until September 5, 2011 to identify which numbered lawsuit he wishes to pursue. If plaintiff elects to pursue multiple lawsuits, he should explain which one he wants to pursue under this case number. The remaining lawsuits will be assigned separate case numbers, and plaintiff will be required to pay an initial partial filing fee for each of those lawsuits (and will ultimately be responsible for the full \$350 filing fee). If plaintiff chooses to dismiss the other lawsuits voluntarily, he will not be obligated to pay the \$350 for the other lawsuits. In addition, a lawsuit dismissed voluntarily would be dismissed without prejudice, allowing plaintiff to bring it at another time. Plaintiff should *not* submit another amended complaint restating all of his unrelated claims in the same document. Once plaintiff chooses which numbered lawsuits he wishes to pursue, he will be given a chance to amend his complaints in those lawsuits to include all *properly joined* claims and defendants.

I will deny plaintiff's motions for appointment of counsel without prejudice because plaintiff does not require counsel to make this relatively simple choice. He is free to renew his motion at a later time.

ORDER

IT IS ORDERED that

1. Plaintiff Titus Henderson's motion to supplement his complaint, dkt. #42, is DENIED.

2. Plaintiff's motion for leave to file an amended complaint, dkt. #43, is DENIED.
3. Plaintiff may have until September 5, 2011 in which to identify for the court one separately numbered lawsuit identified in the body of this opinion on which he wishes to proceed under the number assigned to this case.
4. Plaintiff may have until September 5, 2011 in which to advise the court whether he will prosecute the remaining lawsuits or whether he wishes to withdraw them voluntarily.
5. For any lawsuit that plaintiff dismisses voluntarily, he will not owe a filing fee.
6. For each lawsuit that plaintiff advises the court he intends to prosecute (other than the one plaintiff chooses to keep assigned to this case number), he will owe a separate \$350 filing fee and will be assessed an initial partial payment.
7. If plaintiff fails to respond to this order by September 5, 2011, I will enter an order dismissing the lawsuit in its present form for plaintiff's failure to prosecute it.
8. Plaintiff's motions for appointment of counsel, dkt. ##38, 42, are DENIED without prejudice.

Entered this 23d day of August, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge