

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

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SAMUEL S. UPTHEGROVE,

Plaintiff,

v.

PAUL WESTERHOUSE, MR. OURADA, BRUCE  
SUNDE, and JOHN DOE #1,

Defendants.

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ORDER

08-cv-552-slc

In this case plaintiff is proceeding on his claim that defendants Paul Westerhouse, Mr. Ourada, Bruce Sunde and John Doe #1 violated his First Amendment rights by enforcing a policy that prevented him from receiving newspapers and other publications. Other claims plaintiff asserted in the amended complaint were severed into a separate case, case no. 08-cv-661-slc.

Now plaintiff has filed a motion to amend his complaint and has submitted a proposed second amended complaint listing only the defendants and claims that he is pursuing in this action and identifying John Doe #1 as Mark Bye, unit manager at the Lincoln Hills School. Because plaintiff is a prisoner, his second amended complaint must be screened just as were his earlier proposed complaints. However, plaintiff does not include any new allegations or claims in this complaint and have already granted plaintiff leave to proceed on the claims set out in his proposed second amended complaint. Therefore I will grant plaintiff's motion to amend his complaint.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to amend his complaint, d.t. # 25, is GRANTED.
2. Pursuant to an informal service agreement between the Attorney General and this court, copies of plaintiff's complaint, a copy of the November 17, 2008 order and this order are being sent today to the Attorney General for service on defendant Mark Bye.

Entered this 3<sup>rd</sup> day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge