

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

WALTER BLANCK,

Plaintiff,

v.

JOE VERDEGEN, C.O. STEVENS and
JOHN DOES,

Defendants.

ORDER

09-cv-504-bbc

In a March 8, 2010 order, I granted plaintiff Walter Blanck leave to proceed on claims that defendants Joe Verdeggen, C.O. Stevens and Stevens's John Doe inmate workers were retaliating against him for being involved in previous lawsuits. Also, I appointed him counsel to assist him in prosecuting the case. On August 6, 2010, the case was dismissed without prejudice for plaintiff's failure to exhaust his administrative remedies. Since that time, plaintiff has indicated his desire to reopen the case, stating that he has exhausted his administrative remedies. I have informed plaintiff that the current case cannot be reopened because administrative remedies must be exhausted before a plaintiff initiates the case.

Plaintiff now wants to bring a new lawsuit with the operative complaint in this case treated as the complaint in the new case. In a September 10, 2012 order, I granted counsel's motion to withdraw from the case after plaintiff made it clear that he did not want to work with his appointed lawyers, and denied his motion for appointment of new counsel. I

explained further that the court would not accept for filing any new complaints filed by plaintiff until he first proved that he had exhausted his administrative remedies.

Now plaintiff has submitted two letters stating that he has exhausted various grievances. He includes a summary of his grievance history, which seems to indicate that at least some of the dozens of grievances he has filed over the past few years have been appealed to the Corrections Complaint Examiner's Office, although it is unclear how many of these have been fully appealed to the Office of the Secretary.

Plaintiff states that he has more materials that he would send in but cannot because he does not have adequate funds. His trust fund account statement supports this assertion; it shows that he has less than \$3 available. Usually an inmate in need of funds for copying and postage could apply for legal loans to cover these expenses but plaintiff seems to be saying that he is ineligible for these funds.

I am reluctant to allow plaintiff to initiate a new lawsuit (and be on the hook for another \$350 filing fee) unless he can provide more information about the grievances that underlie the *specific* retaliation claims in his proposed complaint. Plaintiff's recent submissions are a start but they are extremely unfocused and do not provide enough information to allow the court to determine whether he has exhausted grievances related to his claims. Accordingly, I will give plaintiff a final chance to submit as much information regarding his grievances as possible, including copies of the administrative grievances and appeals he filed, as well as the responses filed by prison officials. He should focus solely on the grievances that are related to his retaliation claims against defendants Verdegen, Stevens and John Doe inmate workers—grievances against prison officials other than Verdegen or

Stevens will not suffice. In addition, in his response he should list *by grievance number* the specific grievances he believes supports his claims. If plaintiff does not have the funds to send in these materials and cannot obtain legal loans to do so, he should send the court copies of his legal loan requests and the denials by prison officials.

ORDER

IT IS ORDERED that plaintiff Walter Blanck may have until December 28, 2012, to submit the documentation described above, indicating that he has exhausted administrative remedies regarding grievances related to the claims underling this lawsuit.

Entered this 4th day of December, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge