

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

SERGEY V. ANDREYEV,

Plaintiff,

v.

DENNIS E. RICHARDS, *et al.*,

Defendants.

ORDER

09-cv-651-slc

Plaintiff is proceeding on his claim that defendants were deliberately indifferent to his serious dental needs. On June 7, 2010, I gave plaintiff until July 30, 2010 to file an amended complaint replacing all references to Doe defendants with the names provided to him in discovery. Plaintiff has filed a proposed amended complaint in which he names 17 second and third shift sergeants and jailers as defendants. However, plaintiff has not replaced all references to the Doe defendants in the body of the complaint with the real names of the people actually involved. This needs to happen so everyone knows who allegedly did what.

I will give plaintiff one more opportunity to do this. Specifically, at p. 3 of his proposed amended complaint he needs to replace “jailers” and “second and third shift sergeants” with the names of the defendants who actually denied him dental care items. If plaintiff succeeds in filing a proper proposed amended complaint, the named Doe defendants will need to be served by the United States Marshal before they can answer the complaint. If plaintiff fails to submit a proper proposed amended complaint by August 16, 2010, then the Doe defendants probably will be dismissed from this lawsuit. In other words, the court is not accepting plaintiff’s July 27, 2010 proposed amended complaint, but plaintiff gets another chance to plug in the necessary information..

Also before the court is plaintiff’s third motion for appointment of counsel. On March 17, 2010, in denying his second motion for appointment of counsel found that plaintiff was capable

of representing himself in this action. In this third motion, he does not present any new reasons to suggest that counsel is now warranted. Plaintiff's failure to provide a useable amended complaint does not change this view. Therefore , plaintiff's third motion for appointment of counsel will be denied.

ORDER

IT IS ORDERED that:

1. Plaintiff's July 29, 2010 amended complaint is NOT ACCEPTED.
2. Plaintiff may have one last opportunity to file a proposed amended complaint as described herein. If plaintiff fails to submit such a complaint by August 16, 2010, the Doe defendants may be dismissed.
3. Plaintiff's third motion for appointment of counsel is DENIED.

Entered this 2nd day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge