

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

BRIAN PHEIL

Plaintiff,

ORDER

v.

10-cv-555-bbc

SGT. BOWE, CO HAND, CO VARLEY,
CO RABUCK, SGT. ANDERSON,
HSU Manager TAMMY MAASSEN,
DR. ADLER, DR. BRET REYNOLDS,
DR. HIRSCHMAN and KIMBERLY RICHARDSON,

Defendants.

Brian Pheil has responded to the court's October 19, 2010 in which I informed him that his complaint contained two separate lawsuits:

- Lawsuit # 1: (a) defendants Bowe, Hand, Varley, Rabuck, Anderson and Richardson deprived plaintiff of various medications he needed after he was transferred to segregation, in violation of the Eighth Amendment;
- (b) defendant Richardson rejected plaintiff's grievances, in violation of his right to have access to the courts;
- (c) defendant Richardson had plaintiff transferred to a different prison because he complained his medical care.

Lawsuit #2: acting without a legitimate reason, defendants Maasen, Adler, Reynolds and Hirshman discontinued various medications plaintiff took and failed to prescribe appropriate substitutes, in violation of the Eighth Amendment.

I informed plaintiff in the October 19 order that he must choose whether he wishes to pursue one or both lawsuits. In addition, I told plaintiff that he would have to pay a separate filing fee if he wished to proceed with both cases.

In his response to the order, plaintiff says that he wishes to proceed with both lawsuits. Accordingly, Lawsuit #1 will proceed under case no. 10-cv-555-bbc and Lawsuit #2 will proceed under case no. 10-cv-659-bbc. Because plaintiff has already made two initial partial payments of \$8.98, I will direct the clerk of court to apply the second initial partial payment to case no, 10-cv-659-bbc.

ORDER

IT IS ORDERED that

1. This case is SEVERED in accordance with Fed. R. Civ. P. 20.
2. The following claims will be included in case no. 10-cv-555-bbc:

(a) defendants Bowe, Hand, Varley, Rabuck, Anderson and Richardson deprived plaintiff of various medications he needed after he was transferred to segregation, in violation of the Eighth Amendment;

(b) defendant Richardson rejected plaintiff's grievances, in violation of his right to have access to the courts;

(c) defendant Richardson had plaintiff transferred to a different prison because he complained his medical care.

3. Case no. 10-cv-659-bbc will be plaintiff's claim that, acting without a legitimate reason, defendants Maasen, Adler, Reynolds and Hirshman discontinued various medications plaintiff took and failed to prescribe appropriate substitutes, in violation of the Eighth Amendment. These defendants are DISMISSED from case no. 10-cv-555-bbc.

4. The clerk of court is directed to apply the second initial partial payment plaintiff made to case no. 10-cv-659-bbc.

5. I will screen both of these lawsuits in accordance with 28 U.S.C. § 1915(e)(2) in separate orders.

Entered this 2d day of November, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge