

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

- - - - -

ONTARIO A. DAVIS,

Plaintiff,

v.

BARBARA DELAP, SGT. NOVINSKA,  
NURSE JANE DOE and  
PETER HUIBREGTSE,

Defendants.

- - - - -

ORDER

10-cv-674-slc<sup>1</sup>

On January 13, 2011, I granted plaintiff Ontario Davis leave to proceed on his claims that defendants Peter Huibregtse and Barbara Delap violated his rights under the Eighth Amendment by failing to provide adequate dental care and that defendants Sergeant Novinska and Jane Doe nurse failed to provide medical care for his headaches and mouth pain. However, I denied plaintiff leave to proceed on his claim that defendants Huibregtse and Mary Miller failed to provide adequately trained nurses and encouraged prison staff to

---

<sup>1</sup> For the purpose of issuing this order, I am assuming jurisdiction over this case.

invoke the medical co-pay unlawfully. Plaintiff's allegations regarding one nurse's behavior did not imply a systemic problem of untrained nurses.

Now before the court is plaintiff's motion for reconsideration, dkt. #13, in which he contends that his claim regarding untrained nurses should not have been dismissed. Plaintiff contends that his negative experience with one nurse (defendant Jane Doe) is sufficient to state a claim against these defendants because all nurses should be trained to deal with medical emergencies. In addition, plaintiff contends that there are not enough nurses available to handle the number of inmates at the Wisconsin Secure Program Facility.

I will deny plaintiff's motion for reconsideration. As I stated previously, an incident involving one nurse does not permit me to infer that defendants Huibregtse and Miller failed to provide adequately trained nurses. There is no allegation connecting Huibregtse's and Miller's training of nurses to nurse Jane Doe's refusal to see plaintiff. In addition, plaintiff alleges no specific facts suggesting he was denied medical care because of the small number of nurses or that there is a systemic problem of poorly trained nurses that would rise to the level of a constitutional violation. Therefore, his motion for reconsideration will be denied.

#### ORDER

IT IS ORDERED that plaintiff Ontario Davis's motion for reconsideration, dkt. #13,

is DENIED.

Entered this 10th day of February, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge