

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

GREGORY SEAN GORAK,

Plaintiff,

v.

JOHN PAQUIN, RICK RAEMISCH,
RUSSELL BAUSCH and KAREN SOLOMAN

Defendants.

OPINION AND ORDER

11-cv-130-bbc

Pro se plaintiff Gregory Sean Gorak has moved to substitute Amy Smith for defendant Rick Raemisch in his complaint. Dkt. #21. I am granting the motion.

In an order dated May 9, 2011, dkt. #11, I allowed plaintiff to proceed on his claim that defendants John Paquin, Rick Raemisch, Russell Bausch and Karen Soloman violated his right to due process by refusing to allow him to call witnesses at his disciplinary hearing in December 2008. Defendant Raemisch did not preside over the hearing, but I allowed plaintiff to proceed against him because plaintiff alleged that he denied a grievance that plaintiff filed on the matter.

In his motion, plaintiff alleges that Amy Smith is the more appropriate defendant

because it was she, as Raemisch's designee, who actually decided the grievance. Because plaintiff now alleges that Smith was personally involved in the alleged constitutional violation and Raemisch was not, I will grant his motion.

ORDER

IT IS ORDERED that

1. Plaintiff Gregory Sean Gorak's motion to substitute Amy Smith for defendant Rick Raemisch in his complaint, dkt. #21, is GRANTED.

2. Plaintiff's complaint is DISMISSED as to defendant Raemisch.

3. A copy of the complaint, dkt. #1, plaintiff's motion, dkt. #21, this order, the screening order, dkt. #11, summons for Amy Smith and United States Marshal service forms will be forwarded to the United States Marshal for service on Smith.

4. Plaintiff must send Smith a copy of every paper or document that he files with the court. Once plaintiff learns the name of the lawyer who will be representing Smith, he should serve the lawyer directly rather than Smith. The court will disregard documents plaintiff submits that do not show on the court's copy that he has sent a copy to Smith

or Smith's attorney.

Entered this 29th day of August, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge