

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

WAYNE J. HART, JR.,

Plaintiff,

v.

WARDEN MICHAEL S. THURMAN,
SGT KIMBALL, and JOHN and JANE
DOE 1-50,

Defendants.

ORDER

11-cv-604-slc¹

Plaintiff Wayne Hart, Jr. has filed two motions for extension of time, dkt. ## 7 and 9, in which to supplement his complaint in light of the court's order of December 2, 2011. Plaintiff requested the extension because he is waiting for a response from prison officials about the names of the officers working during his meal times.

Plaintiff's request makes me think that he has misunderstood the earlier order issued in this case in which I told plaintiff that he needed to provide more information to the court about his proposed complaint. I told him that he needed to tell the court

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

- which officers required him to eat meals with his tier and carry his own tray, knowing that he was in pain from his surgery. I told him that he did not need to identify these persons by name. If he did not know their names, he could identify them as John Doe or Jane Doe, but that he had to describe what each one did and how each knew about plaintiff's recent surgery and resulting pain.
- what relief he is seeking from a lawsuit, whether it is money damages (and if so, how much money he is seeking) or a court order prohibiting further violations.

In his motion for extensions of time, plaintiff has not given the information it needs to decide whether he can go forward on his complaint. Before the court can determine whether plaintiff has stated a claim, plaintiff must identify specific actions that violated his constitutional rights. It is not enough for him to allege generally that he was denied permission to follow his doctor's orders regarding mealtime activity. He must identify particular actions by correctional officers and explain how those officers knew about his doctor's orders. If plaintiff does not know the names of the individuals, he may label them John Doe 1, John Doe 2, etc. At the preliminary pretrial conference, Magistrate Judge Stephen Crocker will explain the process for plaintiff to identify the unnamed defendants and set a new deadline for plaintiff to amend his complaint to add the unnamed defendants.

In addition, plaintiff must tell the court what relief he wants. I will give plaintiff additional time to provide the information missing from his proposed complaint.

ORDER

Plaintiff Wayne J. Hart's motion for an extension of time is GRANTED. Plaintiff may have until January 11, 2012 in which to supplement his complaint as directed by the court.

Entered this 28th day of December, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge