

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

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ANTHONY PORTER,

Plaintiff,

v.

CYNTHIA M. THORPE, DR. DALIA D.  
SULIENE, STEVE HELGERSON, and  
JENNIFER NICKEL,

Defendants.  
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ORDER

11-cv-749-bbc

In an order entered August 24, 2012, I granted plaintiff Anthony Porter leave to proceed on his claims that defendants were deliberately indifferent to his MRSA infection in his eyes and ears. Plaintiff has now filed an unopposed motion to “supplement” his complaint, dkt. #31, in which he seeks to add claims for retaliation and various other “substantive rights.” I will deny plaintiff’s motion to amend the complaint under Fed. R. Civ. P. 15(a)(2) at this time because plaintiff does not set out his new allegations in the form required by this court.

Plaintiff’s proposed supplement has two structural problems. First, it is nine pages long and includes factual allegations, legal theories and requests for relief that overlap those in his first amended complaint. When a plaintiff wishes to amend his complaint, he must file a completely new complaint that will replace the original complaint. It would be too

difficult and confusing for the parties and the court to look at different complaints to try to find out what claims plaintiff is asserting. To avoid confusion about exactly what plaintiff wishes to add or subtract from his amended complaint, plaintiff must file a new second amended complaint incorporating both his existing and new allegations. The new proposed complaint should be in the following format:

1. He should begin with a duplicate copy of his proposed amended complaint.
2. If he wishes to delete any allegations, then he should draw a line through them.
3. If he wishes to add any allegations or claims, then he should write them in short, numbered paragraphs and circle or highlight the additions.

Second, plaintiff's proposed supplement is comprised primarily of legal conclusions and citations to statutes, many of which are irrelevant. For instance, plaintiff alleges causes of action under various provisions of the Wisconsin criminal code and the Department of Corrections regulations that cannot support a civil cause of action in federal court. If plaintiff chooses to file an amended complaint, he need not include citations to statutes, cases or other legal authority. The court can apply the law. Plaintiff need include only the new factual allegations necessary to tell his story and to give defendants notice of the basic nature of his claims. He should write those allegations in short, plain statements of fact arranged in numbered paragraphs.

#### ORDER

IT IS ORDERED THAT plaintiff's motion to supplement his complaint, dkt. #31,

is DENIED.

Entered this 11th day of December, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge