

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

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ROBERT G. LaBELLE,

Plaintiff,

v.

DR. STEVE SINGER  
and R.N. RANAE THOMPSON,

Defendants.

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ORDER

11-cv-807-slc

Plaintiff Robert LaBelle is proceeding in this case on his allegations that defendants Dr. Steve Singer and R.N. Renae Thompson violated his Eighth Amendment rights by denying him access to his prescribed medication for heart disease and diabetes without a medical examination. A preliminary pretrial conference was held on March 14, 2012 setting the schedule for the case. Now plaintiff has filed a motion for leave to amend his amend his complaint. *See* dkt. 17.

Plaintiff's motion to amend is not accompanied by a proposed amended complaint. Instead, he simply describes some of the changes he would like to make. This isn't enough. I cannot determine whether leave to amend should be granted until plaintiff submits a proposed amended complaint that he wants the court to adopt as the operative pleading in the case.

To help the court and defendants understand what changes a plaintiff is making in an amended complaint, it is this court's policy to ask the plaintiff to file a proposed amended complaint that looks just like the original except that plaintiff must highlight any new defendants in the caption and also highlight all the new allegations and modified allegations he has made in the body of the complaint or in his request for relief. (If plaintiff does not have a highlighter, he may circle the new information instead.) If plaintiff wants to delete parts of his current complaint, then he should draw a line through those allegations in his proposed amended complaint. If plaintiff does these things, then the court can easily focus on the proposed changes and rule more promptly on plaintiff's motion. Just in case plaintiff did not keep a copy of the operative complaint in this complaint, I am enclosing a copy with this order.

Finally, I note that plaintiff no longer is incarcerated at the Rock County jail. This means that plaintiff's request for relief in his original complaint is moot. In his original complaint, plaintiff's only remedy request is for an order requiring the Rock County jail to permit plaintiff to receive the medications prescribed by his personal physician. Because plaintiff is not in custody any more, he no longer needs such an order. This means that the court will dismiss this case as moot unless plaintiff chooses to amend his complaint to include a request for some other form of relief to which he might be entitled. If plaintiff chooses to proceed on a claim for money damages he will also need to allege facts in his amended complaint that state how he was harmed by the absence of his prescriptions during his jail stay.

#### ORDER

IT IS ORDERED that plaintiff Robert LaBelle's motion for leave to file an amended complaint, dkt. 17, is DENIED WITHOUT PREJUDICE.

Plaintiff may have until May 25, 2012 to file a proposed amended complaint that complies with this court's procedures and which alleges facts stating how plaintiff was harmed by the absence of his prescriptions during his jail stay along with a request for monetary relief. A copy of plaintiff's original complaint is enclosed with this order.

Entered this 14<sup>th</sup> day of May, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge