

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 on a claim 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. On May 8, 2012, plaintiff filed a motion for leave to amend his amend his complaint. Dkt. 17. In an order dated May 15, 2012, I denied plaintiff's motion without prejudice to him filing a proposed amended complaint by May 25, 2012, alleging how he was harmed by the absence of his prescriptions during his jail stay and stating a proper request for relief. Dkt. 18. In the order, I noted that because plaintiff is no longer incarcerated at the Rock County Jail, his original request for injunctive relief was moot. Therefore, I advised plaintiff that if he failed to amend his complaint to request a form of relief to which he might be entitled, the court would dismiss this case as moot. After plaintiff failed to file a proposed amendment complaint or otherwise respond to the order, defendants moved for judgment on the pleadings under Fed. R. Civ. P. 12(c). Dkt. 20. Plaintiff failed to respond to that motion as well.

Because plaintiff is no longer incarcerated in the Rock County Jail and has not indicated that there is any realistic probability that he will return, his requests for prospective relief are moot. *See Maddox v. Love*, 655 F.3d 709, 716 (7<sup>th</sup> Cir. 2011) (citing *Ortiz v. Downey*, 561 F.3d 664, 668 (7<sup>th</sup> Cir. 2009)) (inmate's prayers for injunctive relief were moot because he was no longer incarcerated and no realistic possibility that he would be incarcerated in the same state

facility and subject to same actions). Therefore, defendants' motion for judgment on the pleadings will be granted and this case will be dismissed.

#### ORDER

IT IS ORDERED that the motion for judgment on the pleadings, dkt. 20, filed by defendants Dr. Steve Singer and R.N. Renae Thompson is GRANTED, and plaintiff Robert LaBelle's complaint is dismissed as moot. The clerk of court is directed to enter judgment in favor of defendants and close this case.

Entered this 26<sup>th</sup> day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge