

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

SUSAN ANN SANDS-WEDEWARD,

Plaintiff,

v.

PATRICK R. DONAHUE, Postmaster General,
United States Postal Service (Great Lakes Area) agency,

Defendant.

OPINION and ORDER

12-cv-266-bbc

This is a civil action for monetary relief in which plaintiff Susan Ann Sands-Wedeward, who is proceeding pro se, contends that defendant Patrick Donahoe, Postmaster General, United States Postal Service, is liable for injuries she suffered while working as an employee of the United States Postal Service. In her complaint, she alleges that after she suffered an injury at work, she was injured by her husband, her treating physician, the emergency room doctors and her coworkers. She alleges that her worker's compensation claim was reversed unlawfully and that she was denied a work schedule that would have accommodated her son's diabetes. Additionally, she alleges that she was harassed by her coworkers because of her divorce from a fellow employee and because of a dispute over ownership of a utility patent.

Defendant responded to plaintiff's complaint by filing a motion to dismiss, arguing that plaintiff's complaint violates Fed. R. Civ. P. 8. I agree with defendant and will dismiss

the complaint, but give plaintiff another chance to file a complaint that complies with the rule.

Rule 8(a)(2) requires a complaint to include a “short and plain statement of the claim showing that the pleader is entitled to relief.” Under Rule 8(d), “each allegation must be simple, concise, and direct.” The primary purpose of these rules is rooted in fair notice. A complaint “must be presented with intelligibility sufficient for a court or opposing party to understand whether a valid claim is alleged and if so what it is.” Vicom, Inc. v. Harbridge Merchant Services, Inc., 20 F.3d 771, 775 (7th Cir. 1994). Rule 8 also requires that the complaint contain enough allegations of fact to make a claim for relief plausible on its face. Aschcroft v. Iqbal, 555 U.S. 662, 678-79 (2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id.

Defendant accurately describes plaintiff’s complaint as containing vague allegations that are insufficient to state plausibly a claim entitling her to relief. Plaintiff’s complaint contains numerous allegations and assertions involving multiple people, many of whom have no apparent relationship with defendant or the United States Postal Service. It is not clear from plaintiff’s complaint whether she is attempting to assert claims against defendant for discrimination, sexual harassment or something else. As defendant points out, it appears that plaintiff may be attempting to challenge a decision regarding her worker’s compensation claim, but worker’s compensation decisions cannot be raised in federal court. 5 U.S.C. §

8128(b) (Secretary of Labor’s decision under Federal Employee’s Compensation Act is “final and conclusive for all purposes and with respect to all questions of law and fact” and is “not subject to review by another official of the United States or by a court by mandamus or otherwise”).

Plaintiff’s brief in opposition to defendant’s motion provides no further guidance as to the nature of her claims. Instead of clarifying her claims, plaintiff lists 29 new claims against the Postal Service without providing factual context for them. This is not appropriate. All of the claims plaintiff wishes to assert against defendant must be contained in her complaint, which must contain “enough details about the subject-matter of the case to present a story that holds together.” Swanson v. Citibank, N.A., 614 F.3d 400, 404 (7th Cir. 2010).

Because plaintiff’s complaint does not comply with Rule 8, I will grant defendant’s motion to dismiss it. However, this dismissal will be without prejudice. Plaintiff is free to file an amended complaint in which she sets out only her claims against defendant in short and plain statements. Plaintiff should draft the complaint as if she were telling a story to people who know nothing about her situation. This means that someone reading the complaint should be able to answer the following questions:

- What are the facts that form the basis for plaintiff’s claims?
- What actions did defendant take that violated plaintiff’s rights?
- What rights does plaintiff believe were violated?
- What relief does plaintiff want the court to provide?

Plaintiff should state the facts of what actually happened rather than provide conclusory statements about her rights having been were violated without explaining how that occurred. Also, plaintiff should omit facts that are irrelevant to her claim against *defendant*, such as facts about how her family and neighbors responded to her. For the purpose of Rule 8, plaintiff should number each paragraph, organize each of her claims separately and explain how defendant was involved in each claim, so that defendant can understand the claims against him.

Plaintiff may have until August 17, 2012 to submit an amended complaint. If plaintiff fails to submit an amended complaint by August 17, I will direct the clerk of court to enter judgment in favor of defendant and close the case.

ORDER

Defendant Patrick Donahoe's motion to dismiss plaintiff Susan Ann Sands-Wedeward's complaint for failure to comply with Fed. R. Civ. P. 8, dkt. #6, is GRANTED. Plaintiff may have until August 17, 2012 to submit an amended complaint. If plaintiff fails to submit an amended complaint by August 17, I will direct the clerk of court to enter judgment for defendant and close this case.

Entered this 7th day of August, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge