

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

ERIC T. ALSTON,

Plaintiff,

v.

THE CITY OF MADISON, NOBLE WRAY,
TOM WOODMANSEE, CORY NELSON,
SAMANTHA KELLOGG, PAIGE VALENTA
and BRIAN REYNOLDS,

Defendants.

ORDER

13-cv-635-bbc

Plaintiff Eric T. Alston is proceeding on a claim that defendants Samantha Kellogg, Paige Valenta, Tom Woodmansee, Cory Nelson, Noble Wray and the City of Madison violated his rights under the equal protection clause and the due process clause by including him in the city's "focused deterrence" program. In addition, plaintiff alleges that defendant Brian Reynolds violated his rights under the Fourth Amendment by issuing a warrant for plaintiff's arrest without any suspicion of wrongdoing, in violation of the Fourth Amendment.

After I assisted plaintiff in finding counsel, Magistrate Judge Stephen Crocker set a new schedule for the case, including a February 6, 2015 deadline for amending the pleadings without seeking leave of court. Dkt. #79. On February 6, plaintiff filed an amended complaint. Dkt. #81. Although plaintiff did not need to seek leave of court to file his

amended complaint, because plaintiff is a prisoner, I must screen the complaint to determine whether it states a claim upon which relief may be granted. 28 U.S.C. § 1915A.

My review of the amended complaint did not uncover any substantive changes to the allegations or the claims in the complaint. For the most part, the changes appear to be cosmetic. The one exception is that plaintiff adds Kathy Dayton as a defendant and alleges that she, along with the other defendants (except Brian Reynolds), “chose Mr. Alston's participation in the Focused Deterrence Program.” Am. Cpt. ¶ 27, dkt. #81. Accordingly, I will allow plaintiff to proceed on the same claims, but I will add Dayton to the due process and equal protection claims.

ORDER

IT IS ORDERED that Plaintiff Eric Alston is GRANTED leave to proceed on the following claims: (1) defendants Samantha Kellogg, Paige Valenta, Tom Woodmansee, Cory Nelson, Kathy Dayton, Noble Wray and City of Madison have forced him to be a part of the Focused Deterrence program, in violation of the equal protection clause and the due process clause; and (2) defendant Brian Reynolds issued a warrant for plaintiff's arrest without any suspicion of wrongdoing, in violation of the Fourth Amendment.

Entered this 17th day of February, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge