

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

JOHN KUSLITS,

ORDER

Plaintiff,

15-cv-413-bbc

v.

SGT. KLOTH, MS. STOUDT, and
REED RICHARDSON.

Defendants.

Plaintiff, John Kuslits, a prisoner incarcerated at the Stanley Correctional Institution, has filed a civil rights lawsuit pursuant to 42 U.S.C. § 1983. In an earlier order in this case, I screened plaintiff's complaint under 28 U.S.C. § 1915A and granted him leave to proceed on claims that the defendants Kloth, Stoudt and Richardson had violated his rights under the First Amendment. Plaintiff has now filed a motion for leave to amend his complaint to: (1) name an "Officer Dement" as an additional defendant; and (2) to "strengthen his first amendment claims" against Kloth, Stout and Richardson. (Dkt. No. 13.)

I am denying plaintiff's motion for leave to amend his complaint because he failed to attach a proposed amended complaint to his motion. The defendants cannot respond to, and I cannot rule on, plaintiff's motion for leave to file an amended complaint without seeing the specific amendments plaintiff intends to make.

Plaintiff may re-file his motion for leave to amend, but to avoid confusion, any re-

filed motion must include a copy of plaintiff's proposed amended complaint as an exhibit. Moreover, the proposed amended complaint must be prepared by making changes to a copy of plaintiff's current complaint. Any additions to the current complaint, such as additional parties or new allegations, must be typed or written directly on a copy of the current complaint. Plaintiff should highlight or underline these additions. If plaintiff wants to delete anything from the current complaint, he should simply draw a line through those parts he wants to delete. Attached to this order is a copy of the current complaint, which plaintiff may revise in the manner I just described to create his proposed amended complaint. After plaintiff has prepared an amended complaint, he should file it as an exhibit to a new motion for leave to amend.

I should note that in addition to ruling on plaintiff's motion for leave to amend (assuming he re-files such a motion), I must also screen the amendments to plaintiff's complaint and any new claims pursuant to 28 U.S.C. § 1915A. Therefore, plaintiff is advised that the proposed amended complaint should separately name each defendant, describe each defendant's wrongful conduct, and identify the specific relief plaintiff wants from the court. I will strike and dismiss any amendments that are frivolous, that attempt to restate the claims I previously dismissed, or that raise new claims unrelated to the First Amendment claim I allowed to go forward. In particular, plaintiff is advised that his claims against Officer Dement must relate to the First Amendment claims against defendants Kloth, Stoudt and Richardson. If plaintiff is claiming that Officer Dement violated his First Amendment right to speak about something other than inmate workers' right to warm food,

plaintiff must file these claims in a different lawsuit. George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) (“[M]ultiple claims against a single party are fine, but Claim A against Defendant 1 should not be joined with unrelated Claim B against Defendant 2. Unrelated claims against different defendants belong in different suits[.]”).

ORDER

IT IS ORDERED that

1. Plaintiff’s motion for leave to amend the complaint, (Dkt. No. 13), is DENIED without prejudice.

2. Plaintiff may re-file a motion for leave to amend on or before November 6, 2015.

3. If plaintiff chooses to re-file his motion for leave to amend, he must prepare a proposed amended complaint in the way I described above and must attach this document as an exhibit to his motion.

Entered this 15th day of October, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge