

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

TIMOTHY TALLEY,

Plaintiff,

v.

JON E. LITSCHER, MICHAEL DITTMAN,
SERGEANT KYBURZ, CO II COOPER,
and JOHN AND JANE DOES,

Defendants.

ORDER

17-cv-670-jdp

Plaintiff Timothy Talley appearing pro se, is an inmate at Columbia Correctional Institution. He alleges that prison officials maintained a policy giving correctional officers, rather than medical staff, responsibility over medication distribution, leading to intentional, reckless, or negligent failures to properly provide him with his medications. I granted Talley leave to proceed on Eighth Amendment, Wisconsin-law negligence, and First Amendment retaliation claims against defendants. *See* Dkt. 8.

Talley has filed an amended complaint, Dkt. 12. The only material amendments are that he has added a new defendant, Correctional Officer Logan, and a set of allegations stating that Logan and Doe defendants dispensed extra doses of bupropion to him for most of July 2015, causing him heart palpitations, sleep loss, headaches, and lightheadedness. *Id.* at 19–20. I have already allowed Talley to proceed on Eighth Amendment and negligence claims regarding similar allegations, so I will allow him to proceed with Eighth Amendment and negligence claims against Logan and the Doe defendants regarding this set of allegations.

ORDER

IT IS ORDERED that:

1. The clerk of court is directed to add defendant Correctional Officer Logan to the caption.
2. Plaintiff Timothy Talley is GRANTED leave to proceed on Eighth Amendment and Wisconsin-law negligence claims against defendants Logan and John and Jane Does regarding their provision of extra bupropion in July 2015.
3. The Department of Justice may have 21 days to accept service on behalf of defendant Logan.

Entered November 1, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge