

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CALVIN L. MERRITTE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:16-cv-1020-NJR-DGW
)	
C/O BRAKE, et al.,)	
)	
Defendants.)	

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion to Intervene filed by proposed intervenor, John Mays, on May 8, 2017 (Doc. 49). The Motion is **DENIED**.

John Mays, an inmate incarcerated at the Hill Correctional Center (where Plaintiff is currently housed) seeks to intervene in this action pursuant to Federal Rule of Civil Procedure 24, among others. Mays claims that he is being retaliated against by John Baldwin (the Director of Illinois Department of Corrections), and the Warden at Western Illinois CC and other prisons, for filing grievances and lawsuits in a manner identical to the retaliation allegedly suffered by Merritte. Mays claims that the “habit and routine practice” of retaliation by IDOC officials and any decision on Merritte’s claim would have an effect on his claims and that he is a necessary party to this action.

Merritte is proceeding on only two discrete counts in this matter: that he was retaliated against in September 2014 by Correctional Officer Ochs and that he was subjected to a dangerous inmate at that same time by various other correctional officers. Both of these events occurred at the Lawrence CC. Merritte is not proceeding on any claim against Baldwin or any warden of any facility nor is Merritte proceeding on a wide-ranging retaliation claim against any person

employed at Hill CC or at any other facility. Merritte also is not proceeding on any claims of on-going violations of his Constitutional rights. As such, Mays' basis for seeking to intervene, even if it was permissible, is without a foundation. If Mays believes that his Constitutional rights have been or are being violated, he must file a separate lawsuit (after exhausting his administrative remedies) and pay the appropriate filing fee. Intervenor's Motion is accordingly **DENIED** (Doc. 49).

DATED: June 8, 2017



DONALD G. WILKERSON
United States Magistrate Judge