

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DENNIS E. JONES-EL,
now known as Mustafa-El K. A. Ajala,

Plaintiff,

v.

Case No. 23-C-1138

MARY MOORE, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Dennis Jones-El, now known as Mustafa-El Ajala, is representing himself in this 42 U.S.C. §1983 action. On October 11, 2023, the Court screened Plaintiff's complaint and allowed him to proceed on various Eighth Amendment claims. Dkt. No. 6. However, the Court also concluded that Plaintiff failed to state a claim against Paula Stelsel, the Bureau of Health Services Nursing Coordinator, based on allegations that she dismissed Plaintiff's inmate complaint. The Court observed that "[o]nly persons who participate in the violations are responsible [and] . . . [r]uling against a prisoner on an administrative complaint does not cause or contribute to the violation." *George v. Smith*, 507 F.3d 605, 609 (7th Cir. 2007).

On November 8, 2023, Plaintiff filed a motion for reconsideration. He asserts that the Court misapprehended his allegations and did not draw all reasonable inferences in his favor. According to Plaintiff, he informed Stelsel multiple times that he was facing an unreasonable delay in treatment. He asserts that her failure to intervene despite her authority to do so, is enough at this stage for the Court to infer that she was deliberately indifferent to his serious medical needs. Upon further review of the complaint, the Court will grant Plaintiff's motion for reconsideration

and will allow him to proceed on a deliberate indifference claim against Stelsel based on allegations that she failed to take steps to abate the alleged violation of his constitutional rights. *See, e.g., Vance v. Peters*, 97 F.3d 987, 993 (7th Cir. 1996) (explaining that “[o]nce an official knows of [a] risk, the refusal or declination to exercise the authority of his or her office may reflect deliberate disregard”).

IT IS THEREFORE ORDERED that Plaintiff’s motion for reconsideration (Dkt. No. 9) is **GRANTED** and that portion of the screening order (Dkt. No. 6) that dismisses Paula Stelsel is **VACATED**.

IT IS FURTHER ORDERED that pursuant to an informal service agreement between the Wisconsin Department of Justice and this Court, copies of Plaintiff’s complaint, the screening order, and this order are being electronically sent today to the Wisconsin Department of Justice for service on Paula Stelsel.

IT IS FURTHER ORDERED that, pursuant to the informal service agreement between the Wisconsin Department of Justice and this Court, Paula Stelsel shall file a responsive pleading to the complaint within **sixty days** of receiving electronic notice of this order.

IT IS FURTHER ORDERED that the parties may not begin discovery until after the Court enters a scheduling order setting deadlines for discovery and dispositive motions.

Dated at Green Bay, Wisconsin this 14th day of November, 2023.

s/ William C. Griesbach
William C. Griesbach
United States District Judge