

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**JOSHUA HOWARD, WILLIAM E. WESO,
ADAM YEOMAN, JAMIE BOWENS,
JARVIS DUKE, CALVIN OTIS, JR.,
DARRELL OTIS, and PHILLIP HERRERA,**

Plaintiffs,

-vs-

Case No. 15-CV-557

**SCOTT WALKER, EDWARD WALL,
JAMES GREER, SCOTT HOFTICZEN, MD,
KEVIN KALLAS, MD, DONALD HANDS, PHD,
DR. BARBARA RIPANI, LINDA ALSUM-O'DONOVAN,
WILLIAM POLLARD, BELINDA SCHRUBBE,
DR. PAUL SUMNICHT, JEFFREY MANLOVE, MD,
NICOLE KAMPHUIS, ROBERT J. RYMARKIEWICZ,
JOHN R. PRICE, JOHN GRIESER,
DANIEL WINTERS, ZACHARY SWINGEN,
ANN TABB, RN, ANN LARSON, RN,
MARY SLINGER, JUDY SCHAEFER,
KRIS DEYOUNG, KRIS LYONS,
RN GWEN WALTZ, JOHN SCHETTLE,
TODD CALLISTER, SANDRA JOHNSTON,
PAUL LUDVIGSON, JOSH OLSON,
and CAPTAIN ULESKI,**

Defendants.

DECISION AND ORDER

On March 28, 2016, plaintiff Joshua Howard filed a motion for a forty-five day extension of time to file an amended complaint. Plaintiff Howard states that he and the other plaintiffs are going need additional time to file the amended complaint “due to the institution modifying the

library schedule from daily to every other day and last minute drop-outs from some of the other plaintiffs.” (Dkt. No. 34.)

On February 3, 2016, the Court granted plaintiffs Joshua Howard, Darrell Otis, Phillip Herrera, and Adad Yeoman’s motion for a sixty-day extension of time, or until April 4, 2016, to file an amended complaint. The Court also reminded the plaintiffs that **if they want to proceed jointly, each plaintiff must sign every court filing.**¹ The Court noted that it was not clear which of the eight named plaintiffs were still plaintiffs. The Court also stated that if any of the plaintiffs wished to drop out of the case, they should file notices of voluntary dismissal, otherwise, the Court might dismiss them on its own.

Plaintiff Howard’s current motion for extension of time is signed only by him; no other plaintiff has signed the motion. Under the circumstances, the Court will grant this motion and allow plaintiff Howard additional time to file an amended complaint. Additionally, pursuant to its previous order, the Court will dismiss the other plaintiffs because, based on their failure to sign court filings as directed, it appears that they do not wish to continue as plaintiffs in this case. *See* Civil L.R. 41(c) (E.D. Wis.)

¹ The Court also advised the plaintiffs of this requirement that each plaintiff sign every court filing in its November 18, 2015, Order.

(“Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . , the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.”).

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT plaintiff Howard’s motion for extension of time to file amended complaint (Docket No. 34) is **GRANTED**. Plaintiff Howard’s amended complaint is due on or before **May 19, 2016**.

IT IS FURTHER ORDERED that plaintiffs William E. Weso, Adam Yeoman, Jamie Bowens, Jarvis Duke, Calvin Otis, Jr., Darrell Otis, and Phillip Herrera are **DISMISSED** from this action.

Dated at Milwaukee, Wisconsin, this 29th day of April, 2016.

BY THE COURT:

s/ Pamela Pepper

for **HON. RUDOLPH T. RANDA**
U.S. District Judge