

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

JAMES DAVID FISH,

Plaintiff,

v.

Case No. 16-CV-1221-JPS

AMANDA KRUEGER, ASHLEY DEPAS,
BRANDO CROMWELL, BRIAN
BARGANZ, DEPUTY CARY
JEANQUART, CHRIS SCHLEY,
CURT VANDERTIE, DEAN TOUSOUL,
DOMINIC TURNER, DOUGLAS
JACUET, DEPUTY JAMES
WERNER, JODI MCCARTY, JOHN
MCCORMICK, JOY BORDEAU, JEFF
REINCE, KYLE VEESER, NATHAN
GUILLETTE, SCOTT LOHMAN, TAMMY
STERNARD, TINA HEIDER,
PEGGY KUBIAK, and ALICIA
WHEELER,

Defendants.

ORDER

The plaintiff, James David Fish (“Fish”), filed his complaint in this case on September 9, 2016. (Docket #1). Upon screening, the Court allowed Fish to proceed on an Eighth Amendment claim for deliberate indifference to his serious medical needs and an Eighth Amendment claim relating to the conditions of his confinement in the suicide watch unit. (Docket #8).

On May 25, 2017, defendant Alicia Wheeler (“Wheeler”) filed a motion pursuant to Federal Rule of Civil Procedure 41(b) requesting that the Court dismiss the plaintiff’s complaint for failure to prosecute. (Docket #56). According to Wheeler, she served discovery on Fish on March 15,

2017, seeking executed authorizations for the release of his relevant medical and mental health records from the facilities where Fish was treated during and around the time of the events at issue in this case. *Id.* at 2. After two months went by and Fish did not respond, Wheeler followed up with a letter to Fish on May 16, 2017, again asking that he execute and return the releases. *Id.* Fish did not respond. *Id.*

On July 6, 2017, defendant Peggy Kubiak (“Kubiak”) filed a motion joining Wheeler’s motion to dismiss for failure to prosecute. (Docket #60). According to Kubiak, various pleadings and notices that she attempted to serve on Fish, including her answer, have been returned to her as undeliverable. *Id.* at 2-3. Fish has not responded to Wheeler’s or Kubiak’s motions to dismiss for failure to prosecute.

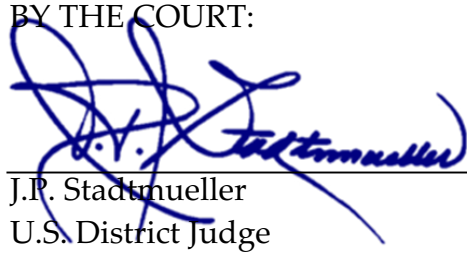
The Court will order that Fish respond to all outstanding discovery and file a response to the pending motion to dismiss for failure to prosecute within ten (10) days of the entry of this order. His failure to do so will result in dismissal of this action in its entirety without further notice. *See Fed. R. Civ. P. 37, 41(b).*

Accordingly,

IT IS ORDERED that within ten (10) days of the entry of this Order, plaintiff James David Fish shall answer all outstanding discovery, notify the Court that he has done so, and file a response to the pending motion to dismiss filed by defendant Alicia Wheeler and joined by defendant Peggy Kubiak. Failure to comply with this Order will result in dismissal of this case.

Dated at Milwaukee, Wisconsin, this 28th day of August, 2017.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized and somewhat cursive.

J.P. Stadtmueller
U.S. District Judge