

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHAWN MURPHY,

Plaintiff,

v.

Case No. 16-cv-1462-pp

NIKKI KAMPHUIS and
JAMES MUENCHOW,

Defendants.

**DECISION AND ORDER DENYING PLAINTIFF’S MOTION FOR
RECONSIDERATION (DKT. NO. 16) AND GRANTING
PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO FILE
AN AMENDED COMPLAINT (DKT. NO. 17)**

On June 20, 2017, the court denied the plaintiff’s motion “for relief of communication barriers from mental impairments (learning disorders) that interfere with [his] participation in services, programs, and activities of a public entity.” Dkt. No. 13. The plaintiff had asked the court for accommodations under the ADA and RA, such as the recruitment of an attorney, other people to help him function, or “auxiliary aids and services.” *Id.* The court explained that it believed the plaintiff was capable of litigating the case on his own at this early stage, and that it did not perceive any communication barriers at this time that prevented the plaintiff from effectively communicating with the court. Dkt. No. 14.

About a week later, the court received from the plaintiff a motion for reconsideration. Dkt. No. 16. The plaintiff does not present any new

information in his motion. Rather, he emphasizes that having a learning disability makes it hard for him to litigate, and that he just had an appeal dismissed because the appellate court didn't understand the points he was trying to make. Id. at 1. He again cited various statutes which protect the rights of disabled people. Id. at 2. He argues that he has only limited time in the law library, and reiterates his disabilities (and he attached a copy of the Social Security Administration's determination that he is disabled). Id. at 4; dkt. no. 16-1. He also expresses puzzlement regarding why the defendants are opposing his case. Id. at 6.

As the court previously explained to the plaintiff, it interacts with many prisoner plaintiffs who struggle with cognitive disabilities and/or mental health issues. While the court cannot accommodate many of the requests prisoner plaintiffs make, it can explain procedural rules, thoroughly explain the bases for its decisions, and set deadlines that allow plaintiffs sufficient time to prosecute their claims. The court will do so in this case, and it believes, based on the plaintiff's filings to date, that these steps are sufficient at this point to accommodate plaintiff's disability. The court will deny the plaintiff's motion for reconsideration.

The plaintiff also filed a lengthy motion asking the court to give him additional time to file an amended complaint and to order that he be allowed to use his legal loan to obtain his health records and other relevant documents. Dkt. No. 17. The court will grant his motion for additional time to file an

amended complaint. If the plaintiff desires to file an amended complaint, he must do so by **September 8, 2017**.

The court reminds the plaintiff that an amended complaint will replace his original complaint, so he must include *all* of his allegations against *all* of the people he desires to sue. He cannot simply file a supplement or try to add on to his original complaint. The amended complaint must be complete in itself; when the plaintiff files it, it will be as if he never filed his original complaint.

If the plaintiff files an amended complaint, he should include a brief description of what happened. He needs to state who was involved, what they did or did not do to violate his rights, and, if relevant, when and why they did it. It can be a simple, straightforward statement; it does not need to be lengthy, and it should not include any legal arguments or case citations. The plaintiff can attach relevant documents as exhibits, but he doesn't have to. Documents that support his claim can be used later in the case when the plaintiff is required to provide evidence. At this point, he just needs to tell the court what happened.

Because evidence is not required at this stage of the litigation, the court will deny the plaintiff's request for an order that he be allowed to use his legal loan for copies. Courts are very hesitant to interfere with the procedural rules of a correctional institution, and this court will defer to the institution on matters such as the use of legal loans, copies, and access to the library/records.

The court **DENIES** the plaintiff's motion for reconsideration. Dkt. No. 16.

The court **GRANTS** the plaintiff's request for an extension of time to file an amended complaint. Dkt. No. 17. If the plaintiff wants to file an amended complaint, he must do so in time for the court to receive it by **September 8, 2017**. If the court does not receive an amended complaint by the end of the day on September 8, 2017, the court will proceed on the claims and defendants in the plaintiff's original complaint.

The court **DENIES** the plaintiff's request that it order his institution to allow him to use his legal loan to obtain copies and other relevant documents.

Dated in Milwaukee, Wisconsin this 7th day of August, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge