

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LESHAUN BENJAMIN,

Plaintiff,

v.

Case No. 18-cv-570-pp

ALICIA SANCHEZ, *et al.*,

Defendants.

**ORDER REQUIRING THE PLAINTIFF TO FILE AN AMENDED COMPLAINT
BY THE END OF THE DAY ON DECEMBER 28, 2018**

On September 12, 2018, the court declined to screen the plaintiff's complaint and supplemental pleadings because 1) it was unclear whether the plaintiff meant to have some documents take the place of others, 2) the pleadings did not comply with Federal Rule of Civil Procedure 15(d), and 3) the pleadings violated Fed. R. Civ. P. 18(a) and 20(a)(2). Dkt. No. 11 at 4-7. The court authorized the plaintiff to file a single, amended complaint by October 19, 2018, remedying the problems the court had identified. *Id.* at 10-11. The court mailed that order to the plaintiff at the Milwaukee County Jail, which was the address that he had provided the court.

On September 28, 2018, the order was returned to the court by the post office as undeliverable. Dkt. No. 12. A week later, on October 4, 2018, the court received a change of address notice from the plaintiff. Dkt. No. 13. There is a notice on the court's docket dated the next day—October 5, 2018—that the

clerk's office sent a copy of the September 12, 2018 order to the plaintiff, but it appears that the court may have accidentally sent that order to him at the jail, rather than at the new address he provided. And on November 7, 2018, the court received a letter from the plaintiff, asking for every piece of information regarding his case, including his original complaint and a copy of the court's self-help guide. Dkt. No. 14.

The court will give the plaintiff additional time to amend his complaint. The court is enclosing with this order a copy of its September 12, 2018 decision, a blank complaint form and instructions and a copy of the self-help guide. If the plaintiff wants to proceed with this case, he should write the word "AMENDED" in front of the word "COMPLAINT" at the top of the first page of the blank complaint form, then put the case number for this case—18-cv-570-pp—in the line next to the words "Case Number." He must list all the defendants he wants to sue in the caption of the complaint. He must use the spaces on pages two and three to state the key facts. He must explain in those spaces what each defendant did, when they did it, where they did it and why he believes that what they did violated his constitutional rights. If the plaintiff does not have enough room on those two pages to provide this information, he may include no more than **five** additional, double-spaced sheets of paper (putting page numbers on each additional page).

The amended complaint will take the place of the prior complaint and must be complete in itself. The plaintiff cannot simply say, "Look at my first

complaint for further information.” See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84, 133 F.3d 1054, 1056-57 (7th Cir. 1998). He should state the facts in simple language, without using legal words or citing cases.

If the plaintiff files the amended complaint by the deadline, and it complies with this order and the court’s September 12, 2018 order, the court will screen that amended complaint under 28 U.S.C. §1915A.

The court **ORDERS** that, if the plaintiff wants to proceed with this case, he must file an amended complaint that complies with the instructions in this decision in time for the court to receive it by the end of the day on **Friday, December 28, 2018**. If the plaintiff does not want to proceed with this case, he does not have to do anything else, or file anything. If the court does not receive an amended complaint from the plaintiff by the end of the day on **Friday, December 28, 2018**, the court will conclude that the plaintiff no longer wants to pursue this case and will dismiss it without prejudice based on the plaintiff’s failure to diligently prosecute it. See Civ. L.R. 41(c).

The court **ORDERS** the plaintiff to mail all correspondence and legal material to:

Office of the Clerk
United States District Court
Eastern District of Wisconsin
362 United States Courthouse
517 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

PLEASE DO NOT MAIL ANYTHING DIRECTLY TO THE JUDGE'S CHAMBERS.

It will only delay the processing of the case.

The court advises the plaintiff that, if he fails to file documents or take other required actions by the deadlines the court sets, the court may dismiss the case based on his failure to diligently pursue it. The plaintiff must notify the clerk of court of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties.

Dated at Milwaukee, Wisconsin, this 29th day of November, 2018.

BY THE COURT:

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

HON. PAMELA PEPPER
United States District Judge