

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 MARCH 15, 2019**

The plaintiff filed this case on April 11, 2018. Dkt. No. 1. At that time, he was in the Milwaukee County Jail. *Id.* at 12. On September 12, 2018, after receiving a request from the plaintiff to supplement his complaint, dkt. no. 9, the court told him that he needed to file an amended complaint, containing all the claims he wished to bring, dkt. no. 11 at 4-7. It gave him a deadline of October 19, 2018 to file that amended complaint. *Id.* at 10-11. The post office returned that order to the court as undeliverable. Dkt. No. 12. A week later, the court received a change of address notice from the plaintiff, indicating that he was living on North 58th Street in Milwaukee. Dkt. No. 13. The next day, the court mailed a copy of the order to that address. A month later, on November 7, 2018, the court received a letter from the plaintiff, saying that he did not know what he was supposed to do and asking for a self-help guide. Dkt. No. 14. The plaintiff said nothing about a new address, but the return address on the

envelope was the address of the Milwaukee County Jail, so the court concludes that he must have returned to custody sometime between October and November. Concerned that these address changes may have prevented the plaintiff from getting the court's September 12 order, the court issued an order on November 29, 2018, requiring the plaintiff to file an amended complaint by the end of the day on December 28, 2018. Dkt. No. 15.

On December 27, 2018, the court received a letter from the plaintiff, dated December 13, 2018 and addressed to the clerk. Dkt. No. 16. The plaintiff asked for his "legal dockets" so that he could "continue [his] case, indicating that he believed that his "mail was being played with at (M.C.J.)." Id. He asked for an extension of time to try to amend the complaint. Id. The return address on *this* envelope was Dodge Correctional Institution.

The Wisconsin Department of Corrections' Inmate Locator shows that since April 2018, when the plaintiff filed this case, he has been back and forth between the Milwaukee County Jail/House of Corrections, the Milwaukee Secure Detention Facility, Dodge Correctional, and the Washington County Jail, and it indicates that he is currently at Dodge Correctional Institution. <https://appsdoc.wi.gov/lop/detail.do>.

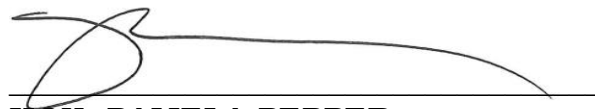
The court understands that the plaintiff may not have control over where he is housed, and when he is transferred from one facility to another. But the court has been trying since mid-September—almost four months now—to give the plaintiff the opportunity to amend his complaint in such a way that he can

proceed. The court cannot leave the case hanging indefinitely. The court is going to give the plaintiff one more extension of time to file an amended complaint, against related defendants on related claims. Along with this order, the court will send the plaintiff a copy of the order it issued back in September, explaining to him what he needed to do. The court also will send him, one more time, a blank complaint form and a guide for prisoners representing themselves. If the court does not receive an amended complaint from the plaintiff by the deadline below, however, the court will dismiss his complaint for failure to comply with the court's orders and for failure to diligently pursue the case.

The court **ORDERS** that the plaintiff shall file an amended complaint in time for the court to receive it by the end of the day on **Friday, March 15, 2019**. If the court does not receive an amended complaint from the plaintiff by the end of the day on March 15, 2019, the court will dismiss this case for failure to diligently pursue it. See Civil L.R. 41(c). The court will dismiss the case without prejudice.

Dated at Milwaukee, Wisconsin, this 11th day of January, 2019.

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