

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

KEITH LONDON,

Plaintiff,

v.

Case No. 18-CV-889

JIM SCHWOCHERT, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

On November 21, 2018, the court screened *pro se* plaintiff Keith London's amended complaint. (ECF No. 26.) The court found that his amended complaint violated Rules 8, 18, and 20 of the Federal Rules of Civil Procedure because it is overly wordy and confusing and includes unrelated claims against numerous defendants. The court noted that London is an experienced litigant and that, in at least three prior cases, courts had found that his complaints violated those same rules. Accordingly, the court concluded that, because London was well aware of his obligations under those rules, his intent in filing his amended complaint was to harass the defendants and/or the court. (*Id.* at 8); *see also Paul v. Marberry*, 658 F.3d 702, 706 (7th Cir. 2011) (explaining that an inference of malice can be drawn from a plaintiff's repeated filing of unintelligible complaints).

The court gave London the opportunity to file a second amended complaint. However, it warned London that, if he failed to file a second amended complaint that

complied with the court's order, the court would recommend to Judge Pepper (the district judge assigned to this case) that she dismiss the case and give London a strike under 28 U.S.C. § 1915(g) for filing a malicious complaint. (ECF No. 26 at 8-9.) The court also gave London the option of voluntarily dismissing his case. The court informed London that, if he voluntarily dismissed his case, he would not be assessed a strike.

The court ordered London to either file a second amended complaint or voluntarily dismiss his case by December 21, 2018. London did neither.

IT IS THEREFORE RECOMMENDED that this case be dismissed under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) as malicious.

IT IS FURTHER RECOMMENDED that London be given a "strike" under 28 U.S.C. § 1915(g).

London's attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C) and Fed. R. Civ. P. 72(b)(2), which allow London to file written objections to the court's recommendation within fourteen days of service of the recommendation. London's failure to timely file objections with the district court shall result in a waiver of his right to appeal.

Dated at Milwaukee, Wisconsin this 2nd day of January, 2019.


WILLIAM E. DUFFIN
U.S. Magistrate Judge