

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MONTY JONES,

Petitioner,

ORDER

09-cv-149-bbc

v.

STATE OF WISCONSIN DIVISION OF
UNEMPLOYMENT INSURANCE and
MELISSA MONTEY,

Respondent.

On March 16, 2009, petitioner Monty Jones filed a proposed complaint in which he brought various civil rights claims involving two different incidents and two respondents. Dkt. #1. In an order entered on March 25, 2009, I concluded that petitioner's claims could not proceed in the same lawsuit under George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) and Fed. R. Civ. P. 20. Dkt. #3. On April 2, 2009, petitioner filed a proposed amended complaint, dismissing respondent Melissa Montey and requesting leave to proceed against respondent State of Wisconsin Division of Unemployment Insurance on all of his claims. Dkt. #4. Although the proposed amended complaint does not allege all of the facts alleged in the original complaint, it appears that petitioner intends to rely on facts contained in the

original proposed complaint in addition to the proposed amended complaint.

Because respondent will be served with only the amended complaint, it will be difficult for it to have “fair notice of what the . . . claim is and the grounds upon which it rests.” EEOC v. Concentra Health Services, Inc., 496 F.3d 773, 776 (7th Cir. 2007). Therefore, I will stay the screening process under 28 U.S.C. § 1915 and ask that petitioner submit a second proposed amended complaint that clearly sets forth the respondent(s), describes each claim and includes all of the allegations on which petitioner seeks to rely.

ORDER

IT IS ORDERED that petitioner Monty Jones has until May 4, 2009, in which to submit a second proposed amended complaint in accordance with this order. If, by May 4, 2009, petitioner fails to respond to this order, the clerk of court is directed to close this case for petitioner's failure to prosecute.

Entered this 16th day of April, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge