

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

JANELLE L. BARLASS,

Plaintiff,

v.

CITY OF JANESVILLE and YURI RASHKIN,

Defendants.

ORDER

12-cv-256-slc¹

On May 2, 2012, I dismissed plaintiff Janelle Barlass's proposed complaint in which she contended that defendant Yuri Rashkin, a councilperson for defendant City of Janesville, violated her constitutional rights when he asked the owner of a bar in Janesville to escort plaintiff out of the bar. I concluded that plaintiff's complaint failed to state a claim against Rashkin or the city for violation of her constitutional rights. I noted that although it was highly unlikely that plaintiff could save her claim with additional allegations, I would give her an opportunity to file an amended complaint.

Now plaintiff has filed an amended complaint. Because plaintiff is proceeding under the in forma pauperis statute without prepayment of costs, I must screen her proposed amended complaint and dismiss any claims that are legally frivolous, malicious, fail to state a claim upon which relief may be granted or ask for money damages from a defendant who

¹ For the purpose of issuing this order, I am assuming jurisdiction over this case.

by law cannot be sued for money damages. 28 U.S.C. § 1915(e)(2)(B).

In her proposed amended complaint, plaintiff makes no additional allegations to bolster her claims against defendants. Instead, her proposed amended complaint contains the same allegations regarding defendant Rashkin's actions at a Janesville bar that she made in her original complaint. For the reasons I explained to plaintiff in the order dismissing her original complaint, these allegations are not sufficient to state a claim against defendants for violation of plaintiff's constitutional rights.

It is apparent from plaintiff's proposed amended complaint that she cannot supplement her complaint with allegations sufficient to state a claim against defendants. Accordingly, I am dismissing plaintiff's claims against defendants with prejudice.

ORDER

IT IS ORDERED that plaintiff Janelle Barlass's complaint is DISMISSED with prejudice for failure to state a claim upon which relief may be granted. The clerk of court is directed to enter judgment for defendants Yuri Rashkin and City of Janesville and close this case.

Entered this 5th day of June, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge