

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

LEIGHTON D. LINDSEY,

Plaintiff,

v.

MICHAEL COCKROFT,
ANGELA REUTER and
NURSE WEIDENBECK.

Defendants.

ORDER

14-cv-27-bbc

Pro se plaintiff Leighton D. Lindsey, a prisoner at the Wisconsin Secure Program Facility, has filed a proposed complaint and is proceeding in forma pauperis. He has paid the initial partial filing fee, but I cannot yet screen his complaint under 28 U.S.C. § 1915A because plaintiff has included two separate lawsuits in his complaint.

Under Fed. R. Civ. P. 20, claims arising under different facts against different defendants may not be joined in the same lawsuit. In this case, plaintiff contends that defendant Michael Cockcroft used excessive force in violation of the Eighth Amendment when he slammed plaintiff's "right finger" with the trap door in plaintiff's cell. Dkt. #1, at 7. Plaintiff contends that nearly a month later the fingernail on that finger "burst[] open" when he was doing push ups but that the nurses, defendants Angela Reuter and Nurse Weidenbeck, failed to promptly attend to his injuries and violated the Eighth Amendment

through deliberate indifference to his serious medical need. Dkt. #1, at 2. Although the same finger may be involved in both incidents, the incidents themselves are separate and present distinct factual scenarios, separate alleged harms and different defendants. Plaintiff cannot combine both actions into one lawsuit so he must tell the court whether he wishes to proceed on one or both of the lawsuits. If he chooses to pursue just one lawsuit, then he must say which one or, if he chooses to pursue both, then he must pay another initial partial filing fee for the other suit. If plaintiff does not respond to this order, his complaint will be dismissed.

ORDER

IT IS ORDERED that plaintiff Leighton D. Lindsey must respond as stated in this order by March 25, 2014. If plaintiff does not respond by this date, his complaint will be dismissed.

Entered this 12th day of March, 2014.

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