

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

HAJI JOHNSON,

Plaintiff,

ORDER

v.

14-cv-155-wmc

JOAN HANNULA, *et al.*,

Defendants.

Plaintiff Haji Johnson has filed this civil action pursuant to 42 U.S.C. § 1983, alleging that he was denied adequate medical care, or that care was delayed, for a serious medical condition during his confinement in the Wisconsin Department of Corrections. On June 10, 2014, the court granted plaintiff leave to proceed with claims under the Eighth Amendment against a physician (Dr. Joan Hannula), a nurse practitioner (Judy Bentley), a registered nurse (Deb Arnwick) and a Health Services Unit Supervisor (Jean Anne Voeks). The court declined to grant plaintiff leave to proceed with claims against several other defendants (Nurse Angie Milas, WDOC Secretary Edward Wall, Regional Director of Health Services Holly Gunderson, Warden Jeffery Pugh and HSU Supervisor Beck Dressler) noting that plaintiff did not allege sufficient personal involvement on their part. Noting that these individuals were “aware” of his medical condition, but failed to intervene, plaintiff has now filed a motion to reconsider his claims against them pursuant to Fed. R. Civ. P. 59(e). Plaintiff also requests leave to proceed with claims under the Fourteenth Amendment as well as the Eighth.

To prevail on a motion under Rule 59(e), the moving party must identify an error of law that merits reconsideration of the judgment. *See Obriecht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008); *Sigsworth v. City of Aurora, Ill.*, 487 F.3d 506, 511-12 (7th Cir. 2007). Plaintiff does not show that leave to proceed was denied in error. *See Burks v. Raemisch*, 555 F.3d 592, 595 (7th Cir. 2009). Because plaintiff is a convicted state prisoner, he does not otherwise show that his claims are governed by the Fourteenth as opposed to the Eighth Amendment or that he is entitled to relief from the judgment in any other respect. *See Brown v. Budz*, 398 F.3d 904, 910 (7th Cir. 2005); *see also Smego v. Mitchell*, 723 F.3d 752, 756 (7th Cir. 2013) (describing the right to adequate medical care under the Fourteenth Amendment as “functionally indistinguishable from the Eighth Amendment’s protection for convicted prisoners”). Accordingly, the motion will be denied.

ORDER

IT IS ORDERED that plaintiff Haji Johnson’s motion for reconsideration (dkt. # 22) is DENIED.

Entered this 15th day of July, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge