

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

FREDRICK ANDREW MORRIS,

Plaintiff,

v.

JASON T. ZEIMER,

Defendant.

ORDER

16-cv-625-bbc

Pro se plaintiff Fredrick Andrew Morris is proceeding on a claim that defendant Jason T. Zeimer, a correctional officer at the Columbia Correctional Institution, violated plaintiff's Eighth Amendment rights by failing to prevent his attempted suicide. Plaintiff has filed a motion to amend or supplement his complaint, in which he states that he would like to add a claim against defendant in his official capacity and clarify defendant's current place of employment. Dkt. #35. I am denying the motion.

To state an official capacity claim, plaintiff would need allegations suggesting that his constitutional rights were violated as a result of an official policy or widespread custom of the Department of Corrections. Grieverson v. Anderson, 538 F.3d 763, 771 (7th Cir. 2008). Here, plaintiff's allegations suggest that defendant's individual actions violated plaintiff's Eighth Amendment rights, but do not support an official capacity claim. Additionally, it is unnecessary to identify defendant's current place of employment in plaintiff's complaint.

Accordingly, plaintiff's motion to file an amended complaint is denied as futile and unnecessary. Shanahan v. City of Chicago, 82 F.3d 776, 781 (7th Cir. 1996) (appropriate to deny leave to amend to add futile or meritless claims).

Plaintiff has also filed a letter stating that he has had difficulty mailing responses to defendant's discovery requests. Dkt. #31. He asks for the court to grant an injunction allowing him to mail his responses. I am denying this request at this time. If plaintiff is having difficulty answering defendant's requests, he should write to defendant's counsel directly so that counsel can make arrangements to receive plaintiff's discovery responses. Unless and until I receive communication from defendant that he has concerns about plaintiff's discovery responses, any order from the court would be premature.

ORDER

IT IS ORDERED that plaintiff Frederick Andrew Morris's motion to amend or supplement his complaint, dkt. #35, and motion for discovery assistance, dkt. #31, are DENIED.

Entered this 29th day of November, 2017.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge