

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

MATTHEW C. STECHAUNER,

Plaintiff,

v.

EDWARD F. WALL, JON E. LITSCHER,
CATHY JESS, JAMES GREER,
PAUL KEMPER, JUDY P. SMITH,
JASON ALDANA, KRISTEN VASQUEZ,
DANIELLE FOSTER, SGT. JAMISON,
SGT. BROWN, OFFICER DISMUKE,
LORA BLASIUS, DOCTOR KREMBS,
DOCTOR PATRICK MURPHY,
DOCTOR WHEATLEY, DOCTOR SHEIDE,
DOCTOR ADAMS, SGT. NEAL, and
DAWN FOFANA, JOHN/JANE DOES,

Defendants.

ORDER

17-cv-221-jdp

Pro se plaintiff Matthew C. Stechauner, a Wisconsin prisoner incarcerated at the Oshkosh Correctional Institution (OCI), filed a proposed complaint and a motion for preliminary injunction. Dkt. 1 and Dkt. 4. He alleges that he is coughing up blood and mucus every day and that he suffers from dizziness, breathing problems, and a host of other medical problems. Dkt. 4, at 1. According to Stechauner, he does not know what is causing his symptoms but he is being denied medical care despite his asking for treatment. He asks me to order defendant Danielle Foster, a manager at Health Service Unit at OCI, and defendant Doctor Wheatly, a physician at OCI, to assess and determine the cause of his problems. *Id.*

Stechauner has not yet paid his initial partial filing fee, and the court will need some time to screen his proposed complaint, as he asserts numerous claims against 20 named

defendants (in addition to John and Jane Doe defendants). But his proposed complaint appears to assert at least some cognizable claims, and his motion for preliminary injunction raises some concerns: he needs urgent medical care. If his allegations turn out to be true, that is, Foster and Wheatly knew about Stechauner's serious conditions but ignored them, Stechauner would have Eighth Amendment deliberate indifference claims against these defendants. *See Petties v. Carter*, 836 F.3d 722, 727-34 (7th Cir. 2016). Accordingly, I will direct service of Stechauner's complaint and motion for preliminary injunction on Foster and Wheatly and ask them to respond to Stechauner's motion for preliminary injunction. Their response can be succinct and it need not comply fully with the court's procedure on motions for preliminary injunctions. But it should include an affidavit or declaration indicating whether Stechauner faces a risk to his immediate safety and how OCI is responding to Stechauner's conditions. After defendants file their response, I will determine whether a hearing is necessary.

Stechauner must still pay his \$74.24 initial partial filing fee. Dkt. 12. Once he pays his initial partial filing fee, I will screen his proposed complaint and decide what claims he might have against all of the defendants.

ORDER

IT IS ORDERED that:

1. Defendants Danielle Foster and Doctor Wheatley must respond to plaintiff Matthew C. Stechauner's motion for preliminary injunction, Dkt. 2, by one week from today.
2. Pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, copies of plaintiff's complaint, motion for preliminary injunction, and this order are being sent today to the Attorney General for service

on defendants Foster and Wheatley. Plaintiff should not attempt to serve defendant on his own at this time.

Entered March 24, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge