

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

EMON V. HOLLINS,

Plaintiff,

v.

ORDER

LT. WALLER, C.O. OLIG, C.O. SWINGEN,
C.O. STANDISH, and JOHN DOE,

17-cv-757-jdp

Defendant.

Plaintiff Emon V. Hollins, appearing pro se, alleges that defendant prison officials violated his rights by keeping him in an unsanitary cell smelling strongly of feces and urine. I previously granted Hollins leave to proceed on claims against defendant correctional officers Swingen, Olig, Standish, and Waller. Dkt. 8. Hollins amended his complaint to modify his claim against Swingen and explain that the officer who initially placed him in the dirty cell is a “John Doe” defendant. I allowed Hollins to amend his complaint, and I set deadlines for the parties to use the discovery process to identify the Doe defendant and amend the caption with the proper identity. Dkt. 21.

Hollins has now filed a new amended complaint, Dkt. 30, and a supplement, Dkt. 31, in which he explains his amendments: defendant C.O. Olig is the John Doe officer who placed him in the cell, and he wishes to bring a new claim against defendant J. Muenchow, who is an inmate complaint examiner who failed to remove Hollins from the dirty cell after he complained about it. I will allow Hollins to proceed on an Eighth Amendment claim against Muenchow, and I will direct the clerk of court to amend the caption to add Muenchow and remove the Doe defendant.

ORDER

IT IS ORDERED that:

1. Plaintiff Emon V. Hollins's motion to amend the complaint, Dkt. 30, is GRANTED. Hollins third amended complaint, Dkt. 30, is the operative pleading.
2. Plaintiff is GRANTED leave to proceed on Eighth Amendment conditions-of-confinement claims against defendants Swingen, Olig, Standish, Waller, and Muenchow.
3. The attorney general's office may have until January 4, 2019, to inform the court whether it accepts service on behalf of Muenchow.
4. The clerk of court is directed to add Muenchow to the caption and remove the Doe defendant.

Entered December 12, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge