

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Elijah C. Misener v. Gary Vandiver, Megan Stoner, Tina Diring,
Tracy Roberts, Captain Jan Tetzlaff, Sgt. Steven Colbrook, Sgt. RJ
Lurquin, Sgt. Joshua Korb, Deputy Johnathan Young, Deputy M.
Smith, and Whitney Anderson

Misener v. Vandiver · No. 3:25-cv-00383-wmc · Decided February 2, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin dismissed without prejudice Elijah C. Misener’s amended 42 U.S.C. § 1983 complaint concerning his confinement at the Dane County Jail. The court held that the sprawling complaint failed to satisfy Federal Rules of Civil Procedure 8 and 20 because it did not clearly connect each defendant to specific alleged constitutional violations and improperly joined potentially unrelated claims. The court granted Misener until March 2, 2026, to file a further amended complaint.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	February 2, 2026
DOCKET	3:25-cv-00383-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights action under 42 U.S.C. § 1983 and an amended complaint concerning conditions of confinement at the Dane County Jail. The district court screened the amended complaint under 28 U.S.C. §§ 1915(e) and 1915A, dismissed it without prejudice for failure to comply with Federal Rules of Civil Procedure 8 and 20, and granted leave to file a second amended complaint.
STANDARD OF REVIEW	On screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, the court accepted the factual allegations as true, applied a less stringent standard to the pro se pleading, and required sufficient factual allegations to show a plausible entitlement to relief.

PRECEDENTIAL VALUE	unpublished
PARTIES	Elijah C. Misener v. Gary Vandiver, Megan Stoner, Tina Diring, Tracy Roberts, Captain Jan Tetzlaff, Sgt. Steven Colbrook, Sgt. RJ Lurquin, Sgt. Joshua Korb, Deputy Johnathan Young, Deputy M. Smith, Whitney Anderson

TOPICS

pleadings

joinder

civil procedure

section 1983

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the amended complaint satisfied Federal Rule of Civil Procedure 8(a)(2)'s requirement of a short and plain statement showing entitlement to relief.
2. Whether the amended complaint sufficiently alleged each defendant's personal involvement and a causal connection to an alleged constitutional deprivation under 42 U.S.C. § 1983.
3. Whether the complaint improperly joined unrelated claims and defendants in violation of Federal Rule of Civil Procedure 20(a)(2).
4. Whether dismissal without prejudice and an additional opportunity to amend were appropriate.
5. Whether Misener's requests for injunctive relief were moot because he was no longer confined at the Dane County Jail.

HOLDINGS

1. The amended complaint failed to comply with Rule 8(a)(2) because its lengthy, disjointed, and confusing presentation did not provide a short and plain statement of the claims or fair notice of the factual and legal basis for each claim.
2. A § 1983 complaint must allege a causal connection between each defendant's conduct and the alleged constitutional deprivation, including facts showing when, where, and how the injury occurred.
3. The amended complaint appeared to violate Rule 20(a)(2) because Misener did not demonstrate that all claims against all defendants arose from the same transaction or series of related transactions and involved common questions of law or fact.
4. Dismissal without prejudice with one additional opportunity to amend was appropriate because courts generally should give a pro se plaintiff an opportunity to correct pleading deficiencies before dismissing the action with prejudice.
5. Because Misener was no longer confined at the Dane County Jail, his requests for injunctive relief concerning his treatment there were moot.

KEY QUOTATIONS

“Section 1983 requires a causal connection between the officer being sued and the constitutional deprivation.” (Opinion section)

“The rambling, disjointed manner in which plaintiff has presented his litany of deprivations is insufficient to satisfy Federal Rule of Civil Procedure 8(a)(2)” (Opinion section)

“IT IS ORDERED that the amended complaint filed by plaintiff Elijah C. Misener (dkt. #9) is DISMISSED without prejudice for failure to satisfy the requirements of Federal Rules of Civil Procedure 8 and 20.”
(Order)

FACTUAL BACKGROUND

Elijah C. Misener, a transgender man, was incarcerated at the Dane County Jail during several periods between 2023 and 2025. He alleged numerous conditions-of-confinement violations, including inadequate hygiene supplies, prolonged restrictive housing, limited access to communication, programming, religious services, recreation, and other resources, as well as an incident involving a disciplinary fine. His amended complaint asserted 37 Fourteenth Amendment claims against eleven defendants, but generally did not identify how each defendant personally participated in a specific constitutional deprivation.

PROCEDURAL HISTORY

Misener filed the action while incarcerated and proceeding without prepayment of the filing fee. He filed an amended complaint asserting 37 purported Fourteenth Amendment claims against numerous Dane County Jail employees and a Wellpath employee. The court concluded that the amended complaint was lengthy, disjointed, and failed to connect particular defendants to particular alleged constitutional violations, and that the claims were not shown to satisfy the joinder requirements. The court dismissed the amended complaint without prejudice and allowed Misener until March 2, 2026, to file another amended complaint; failure to do so would result in dismissal with prejudice for failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Arnett v. Webster, 658 F.3d 742, 751 (7th Cir. 2011)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 557 (2007)
- McDaniel v. Syed, 115 F.4th 805, 820 (7th Cir. 2024)
- Hunter v. Mueske, 73 F.4th 561, 567-68 (7th Cir. 2023)
- Whitlock v. Brueggemann, 682 F.3d 567, 583 (7th Cir. 2012)
- Cincinnati Life Ins. Co. v. Beyrer, 722 F.3d 939, 946-47 (7th Cir. 2013)
- Stanard v. Nygren, 658 F.3d 792, 797-98 (7th Cir. 2011)
- United States ex rel. Garst v. Lockheed-Martin Corp., 328 F.3d 374, 378 (7th Cir. 2003)

- Pearle Vision, Inc. v. Romm, 541 F.3d 751, 758 (7th Cir. 2008)
- Srivastava v. Daniels, 409 F. App'x 953, 955 (7th Cir. 2011)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Wheeler v. Wexford Health Sources, Inc., 689 F.3d 680, 683 (7th Cir. 2012)
- Felton v. City of Chicago, 827 F.3d 632, 636 (7th Cir. 2016)
- O'Donnell v. Village of Downers Grove, 656 F. Supp. 2d 562, 568-69 (N.D. Ill. 1987)

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