

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Thomas Zachary Peters, Antonio Galicia, and Randy McBride v. C.
O'Donnell, A. Elgelken, K. Garceau, B. Pierzina, A. Baranowski, A.
Acker, S. Kinyon, A. Fennigkoh, D. Zoure, R. Weinman, S. Hall, and
J. Hoy

Peters v. O'Donnell · No. 26-cv-348-wmc · Decided May 29, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin severed the claims of three pro se prisoner-plaintiffs because their claims arose from distinct transactions, medical circumstances, and legal theories. The court ordered separate cases for Antonio Galicia and Randy McBride, allowed Thomas Peters's claims to proceed under the existing case number, and directed that the claims be screened separately. The court also denied without prejudice motions for preliminary injunctions and denied a motion to amend and join additional plaintiffs.

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	May 29, 2026
DOCKET	26-cv-348-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Three self-represented state prisoners jointly filed a civil-rights and Americans with Disabilities Act complaint and moved for preliminary injunctive relief and to amend the complaint to add additional plaintiffs and defendants. The district court severed the plaintiffs' claims, denied the motion to amend and join additional parties, and denied the preliminary-injunction motions without prejudice.
STANDARD OF REVIEW	Joinder and severance were addressed under the discretionary standards of Federal Rules of Civil Procedure 20 and 21. For preliminary injunctive relief, the court applied the requirement that the

movant show a likelihood of success on the merits, no adequate remedy at law, and irreparable harm.

PRECEDENTIAL VALUE

unpublished district court opinion

TOPICS

joinder

civil procedure

injunctions

motion to amend

section 1983

PRACTICE AREAS

civil procedure

prisoner civil rights

Americans with Disabilities Act

injunctive relief

QUESTIONS PRESENTED

1. Whether the plaintiffs' claims satisfied the requirements for permissive joinder under Federal Rule of Civil Procedure 20.
2. Whether the court should sever the plaintiffs' claims and parties under Federal Rule of Civil Procedure 21 and its inherent authority.
3. Whether the plaintiffs should be permitted to amend the complaint to add additional plaintiffs and defendants whose claims were based on unrelated facts.
4. Whether the plaintiffs established entitlement to preliminary injunctive relief.
5. Whether injunctive relief could be directed at nonparties who would facilitate transfers or medical care.

HOLDINGS

1. The plaintiffs could not maintain their claims together because their allegations arose from multiple unrelated transactions and occurrences, lacked sufficient factual and legal commonality, and would make joint litigation inefficient and unwieldy.
2. The court could and would sever the plaintiffs' claims under Rule 21 and its inherent authority, assigning Galicia and McBride new case numbers while allowing Peters's claims to proceed in the existing case.
3. The motion to amend and join additional parties was denied because the proposed plaintiffs would assert distinct claims arising from disparate facts and would create the same joinder problems present in the original complaint.
4. The plaintiffs failed to establish entitlement to preliminary injunctive relief at that time, so their motions were denied without prejudice.
5. The court could not grant the requested injunctive relief to the extent it was directed at nonparties who would facilitate transfers or medical care.

KEY QUOTATIONS

"As no plaintiff is a lawyer, plaintiffs are also given notice that they may not represent one another before this court and must litigate their own, individual claims going forward."

FACTUAL BACKGROUND

Peters, Galicia, and McBride are incarcerated at Columbia Correctional Institution and alleged that prison officials failed to adequately accommodate their hearing loss, among other alleged constitutional and medical violations. Their hearing-related allegations involved different degrees of hearing loss, different providers, different treatment timelines, and different requested accommodations. Each plaintiff also asserted additional constitutional claims based on distinct facts. The plaintiffs sought injunctive relief involving transfers, visitation, costs, medical appointments, and treatment.

PROCEDURAL HISTORY

Plaintiffs filed a joint complaint alleging constitutional and ADA violations concerning prison accommodations and other matters. Before screening under 28 U.S.C. §§ 1915A and 1915(e)(2), the court determined that the claims arose from unrelated transactions and occurrences and severed the claims under Rule 21. The court directed that Galicia and McBride receive new case numbers, dismissed two defendants from Peters's case because Peters did not name them in his operative allegations, denied the proposed amendment and additional plaintiffs' in forma pauperis motions, and denied the preliminary-injunction motions without prejudice.

DISPOSITION

other

CASES CITED

- UWM Student Ass'n v. Lovell, 888 F.3d 854, 863-64 (7th Cir. 2018)
- Bartole v. Tippecanoe Cnty. Council, No. 1:25-CV-148, 2025 WL 1454730, at *2 (N.D. Ind. May 20, 2025)
- East v. McDermott, No. 24-1785, 2024 WL 4723065, at *1 (7th Cir. Sept. 11, 2024)
- Elustra v. Mineo, 595 F.3d 699, 705 (7th Cir. 2010)
- Lambert v. Buss, 498 F.3d 446, 451 (7th Cir. 2007)
- Sherin v. Pugh, No. 11-cv-772-wmc, 2013 WL 4776462, at *3 (W.D. Wis. Sept. 5, 2013)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN THOMAS ZACHARY PETERS, ANTONIO GALICIA, and RANDY MCBRIDE, Plaintiffs, OPINION AND ORDER v. 26-cv-348-wmc C. O'DONNELL, A. ELGELKEN, K. GARCEAU, B. PIERZINA, A. BARANOWSKI, A. ACKER, S. KINYON, A. FENNIGKOH, D. ZOURE, R. WEINMAN, S. HALL, and J. HOY, Defendants. Plaintiffs Thomas Peters, Antonio Galicia, and Randy McBride, state prisoners representing themselves, claim under 42 U.S.C. § 1983 that various officers at Columbia Correctional Institution violated their federal constitutional rights, as well as their statutory rights under the Americans with Disabilities Act while incarcerated.

(Dkt. #1.) In particular, plaintiffs claim that Columbia officers have not sufficiently accommodated their hearing loss (among various other claims), and they request an injunction requiring Columbia staff to address their hearing issues, as well as request other miscellaneous relief.

Because plaintiffs' claims arise from distinct sets of facts, the court will sever their claims under Federal Rule of Civil Procedure 21 and the court's inherent authority under Rule 1. Plaintiffs' claims must then be screened under 28 U.S.C. §§ 1915A & 1915(e)(2) in separate orders.

For the reasons set forth below, the court will also deny plaintiffs' requests for a preliminary injunction, along with plaintiffs' request to amend their complaint to add even more plaintiffs and claims. OPINION Multiple plaintiffs may join their claims in one lawsuit if they assert a "right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences," and a "question of law or fact common to all plaintiffs will arise in the action." Fed.

R. Civ. P. 20(a)(1). The court may deny joinder under Rule 20 if it does not foster efficiency and judicial economy, but rather "will result in prejudice, expense, or delay." *UWM Student Ass'n v. Lovell*, 888 F.3d 854, 863–64 (7th Cir. 2018); Fed. R. Civ. P. 1. Even if multiple plaintiffs satisfy Rule 20, the court may exercise its discretion to sever claims and parties under Rule 21.

UWM, 888 F.3d at 863–64; see also Fed. R. Civ. P. 21 ("On motion or on its own, the court may at any time, on just terms, add or drop a party,... [or] sever any claim against a party.") Here, plaintiffs allege generally that Columbia staff have inadequately treated and accommodated their hearing issues, arguing that defendants violated their rights under the ADA.

They also point to a 2024 settlement agreement between the Wisconsin DOC and the United States, which requires certain accommodations for hearing-impaired prisoners under the ADA. (See dkt. #1-1.) Nonetheless, plaintiffs' claims do not belong in the same lawsuit.

As alleged, each plaintiff's claims arise out of multiple, unrelated "transactions and occurrences." Fed. R. Civ. P. 20(a)(1). Specifically, the complaint alleges that plaintiffs have differing levels of hearing loss and various healthcare providers, who have treated their conditions in different ways at different times. (Compare Pls.' Compl. (dkt. #1) ¶¶ 29-32, 45-50 (plaintiff Galicia has been unable to see any audiologist for four years), with ¶¶ 60-67 (plaintiff McBride underwent multiple hearing tests in early 2025 with no follow-ups for accommodations), and ¶¶ 141-148 (plaintiff Peters received hearing aids but they were insufficient to address his hearing loss).)

Further, plaintiffs have dissimilar medical histories, needs, and requested accommodations, both relating to their hearing loss and other, distinct medical issues. Each plaintiff also makes at least one, if not several, additional claims for relief under § 1983, asserting distinct constitutional theories based on different facts that do not overlap with the constitutional claims of their co-plaintiffs.

Finally, even if the legal and factual dissimilarities in their claims were not enough, the practical realities of multiple prisoners engaged in self-representation in one case make joinder unwieldy and inefficient. E.g., *Bartole v. Tippecanoe Cnty. Council*, No. 1:25-CV-148, 2025 WL 1454730, at *2 (N.D. Ind. May 20, 2025) (holding that “joinder of unrepresented inmates is not appropriate” because they may be relocated at any time, prevented from communicating, and unable to serve or obtain signatures from co- plaintiffs).

For all these reasons, the court will sever plaintiffs’ claims under Rule 21, and plaintiffs Galicia and McBride will receive new case numbers (though they will not be required to refile or pay the filing fee again).

The court will then screen each plaintiff’s claims individually as to the defendants named in the operative sections of the complaint pertaining to that plaintiff. As no plaintiff is a lawyer, plaintiffs are also given notice that they may not represent one another before this court and must litigate their own, individual claims going forward. See *East v. McDermott*, No. 24-1785, 2024 WL 4723065, at *1 (7th Cir.

Sept. 11, 2024) (“[a] non-lawyer may not represent another or sign papers on another’s behalf”) (citing *Elustra v. Mineo*, 595 F.3d 699, 705 (7th Cir. 2010)). Plaintiffs also move to amend their complaint and request permission to join four more plaintiffs, who likewise would assert their own, distinct claims under disparate sets of facts, as well as join more defendants.

(Dkt. #27.) For all the reasons already described above, this request must be denied as well. Any proposed, additional plaintiffs who have asked to join this lawsuit in the amended complaint and not yet paid the filing fee will need to file their own case in this court, and comply with the same limitations just described in doing so.

As for plaintiffs’ pending motions for preliminary injunction under their original and amended complaints, which seek expedited transfers, permission for visitations, exemptions from certain costs, and various medical appointments and treatments, they have failed to demonstrate their entitlement to injunctive relief for their claims at this time, even setting aside the joinder issues addressed above.

See *Lambert v. Buss*, 498 F.3d 446, 451 (7th Cir. 2007) (in seeking a preliminary injunction, plaintiff must show (1) a likelihood of success on the merits of his case; (2) a lack of an adequate remedy at law; and (3) an irreparable harm that will result if the injunction is not granted). Additionally, the court must deny the plaintiffs’ motions to the extent that they are directed toward non- parties who would facilitate transfers and medical care.

See *Sherin v. Pugh*, No. 11-cv-772- wmc, 2013 WL 4776462, at *3 (W.D. Wis. Sept. 5, 2013) (“As a general rule, this court will not grant injunctive relief against non-parties.”). However, these denials are all without prejudice to refiling, provided each plaintiff complies with the requirements

set forth in the attached procedures for a preliminary injunction motion in this court and files individually in their assigned case.

See Western District of Wisconsin Procedure to be Followed on Motions for Injunctive Relief (attached to this order). ORDER IT IS ORDERED that: 1) The original complaint filed by plaintiffs Antonio Galicia, Randy McBride, and Thomas Peters (dkt. #1) is SEVERED. 2) Peters' claims will proceed under this case number. Defendants Engelken and Davidson are DISMISSED from Peters' case, as they are not named by plaintiff Peters in his operative portion of the complaint.

3) The clerk of court is directed to open a new case for Galicia that includes the following defendants named in the operative portion of the complaint: Hoy, Acker, Fennigkoh, Baranowski, Freitag, Garceau, Pierzina, Weinmann, Kinyon, Engelken, and O'Donnell. 4) The clerk of court is also directed to open yet another new case for McBride that includes the following defendants named in his operative portion of the complaint: Hoy, Acker, Fennigkoh, Zoure, Baranowski, Freitag, Pierzina, Garceau, Hall, Weinmann, Engelken, and O'Donnell.

5) The claims of each plaintiff will then be screened in separate orders in each of these separate cases. 6) Plaintiffs' motion to amend their complaint and join additional parties is DENIED. (Dkt. #27.) 7) Proposed additional plaintiffs' Aric Way, Aswan Thompson, Deven Reynolds, and Abdifatah Abukar-Haji's motions to proceed in forma pauperis are DENIED, as they may not join this case.

(Dkts. ##29-32.) 8) Plaintiffs' motions for a preliminary injunction are DENIED WITHOUT PREJUDICE. (Dkts. ##21, 33.) The clerk is directed to send plaintiffs a copy of the court's requirements for filing a motion for injunctive relief along with this order. Entered this 29th day of May, 2026. BY THE COURT: /s/ WILLIAM M. CONLEY District Judge