

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unpublished district court opinion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)